

CODE ENFORCEMENT BOARD MEETING
Wednesday, October 12, 2016 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIENCE**
- 3. PRELIMINARY MATTERS**
 - A) Adoption of Minutes – September 14, 2016**
 - B) Agenda Additions, Deletions and Adoption**
- 4. UNLICENSED CONTRACTORS/CITATIONS**
- 5. EVIDENTIARY HEARINGS**
 - A) Citation Appeals**
 - B) Non-Compliance / Compliance Reports**
 - 1. Request for Board Order**
 - a. CASE #16-CE-6820 / 947M**
VIOLATOR: Michael R. Ludwig; Cathy Kelly Ludwig;
James Shaundale Webb
VIOLATION: Oak Tree removed without a permit
VIOLATION ADDRESS: 907 Tropic Drive, Vero Beach,
Florida 32963
 - b. CASE #16-CE-6601 / 0965T**
VIOLATOR: B. Anders Nyquist
VIOLATION: Construction on site without permits or
approvals as required by City and County Code
VIOLATION ADDRESS: 1715 19th Street, Vero Beach,
Florida 32960
 - c. CASE #16-CE-6879 / 963M**
VIOLATOR: Maxwell Properties, Inc.
VIOLATION: Unlicensed, non-operable vehicles, motors, and
parts on the north side of the property; failure to maintain site
plan (landscaping) plants along U.S.1 are dead
VIOLATION ADDRESS: 1146 21st Street, Vero Beach,
Florida 32960

- d. **CASE #16-CE-6703 / 923M**
VIOLATOR: Shane and Tara Lynn Wright
VIOLATION: Windows installed without a permit
VIOLATION ADDRESS: 2616 Laurel Drive, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)
- e. **CASE #16-CE-6831 / 949M**
VIOLATOR: Virginia O'Neill (TR)
VIOLATION: Two single family structures converted into four units without development approval or building permits
VIOLATION ADDRESS: 2315 15th Avenue, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)
- f. **CASE #16-CE-6869 / 1044T**
VIOLATOR: Barbaralee Monday
VIOLATION: Public Nuisance, excessive exterior storage
VIOLATION ADDRESS: 811 Gayfeather Lane, Vero Beach, Florida 32963
- g. **CASE #16-CE-7003 / 979M**
VIOLATOR: Daniel L. Hendrickson and Deidre Lynne Vanover
VIOLATION: Fence installed without Code Compliance or building permit
VIOLATION ADDRESS: 1242 17th Place, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)
- h. **CASE #16-CE-7008 / 1048T**
VIOLATOR: Joshua Jordan / Chef Jordan Cuisine and Catering
VIOLATION: Operating a business without an active Business Tax Receipt
VIOLATION ADDRESS: 1615 U.S.1, Vero Beach, Florida 32960
- i. **CASE #16-CE-6988 / 975M**
VIOLATOR: 821 Dahlia, LLC – c/o Kite Tax Lien Capital LLC
VIOLATION: Protected Palm Trees removed without a permit
VIOLATION ADDRESS: 821 Dahlia Lane, Vero Beach, Florida 32963
(Paid \$1,250 Civil Penalty)

- j. CASE #16-CE-7034 / 984M**
VIOLATOR: Maxwell Properties, Inc. / James R. Maxwell,
Agent
VIOLATION: New and existing businesses on-site require
site plan approval for repair, sale and storage of vehicles,
equipment, and supplies
VIOLATION ADDRESS: 1146 21st Street, Vero Beach,
Florida 32960
(Repeat Violation \$100 Civil Penalty)
- k. CASE #16-CE-7033 / 983M**
VIOLATOR: Maxwell Properties, Inc. / James R. Maxwell,
Agent
VIOLATION: Construction of fuel tank enclosure without
code compliance or building permit
VIOLATION ADDRESS: 1146 21st Street, Vero Beach,
Florida 32960
- l. CASE #16-CE-7029 / 1056T**
VIOLATOR: Horner Xpress – Jordan
VIOLATION: Failure to comply with and to continually
maintain all elements of an approved site plan
VIOLATION ADDRESS: 1680 Old Dixie Highway, Vero
Beach, Florida 32960

- 6. OLD BUSINESS**
- 7. ADMINISTRATIVE MATTERS**
 - A) Hearing Procedures**
- 8. CLERK’S MATTERS**
- 9. ATTORNEY’S MATTERS**
- 10. CHAIRMAN’S MATTERS**
- 11. MEMBER’S MATTERS**
- 12. ADJOURNMENT**

This is a Public Meeting. Should any interested party seek to appeal any decision made by the Board with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of

the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

CODE ENFORCEMENT BOARD MINUTES
Wednesday, September 14, 2016 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Frank Pizzichillo; Members: Christopher Bryant, Stephen McDonald, Jeffrey McGann, and Eric Price **Also Present:** City Attorney, Wayne Coment; Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Tom Ramsey, Indian River County Licensing Inspector, David Checchi, and Deputy City Clerk, Sherri Philo

Excused Absence: Herbert Whittall

1. CALL TO ORDER

Today's meeting was called to order at 2:00 p.m.

2. PLEDGE OF ALLEGIENCE

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

The Deputy City Clerk swore in staff and all witnesses present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – August 10, 2016

Mr. Pizzichillo made a motion to adopt the minutes of the August 10, 2016 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Tom Ramsey, Code Enforcement Officer, requested that item 5-B) 1b - Chesserboard properties, be pulled from today's agenda. He said that he rescinded the citation because there has been a change in ownership.

Mr. Wayne Coment, City Attorney, said the Board issued a Board Order on this case so it would need to stay on today's agenda in order for the Board to rescind the order.

Mr. Ramsey pulled item 5-B) 1h – B. Andres Nyquist, from today's agenda. He reported that Mr. Nyquist has requested a rehearing on his case.

Mr. Coment said the Board would need to take action on this case to set it for a rehearing on October 12, 2016.

Mr. Pizzichillo asked what is the basis for Mr. Nyquist's request for an extension.

Mr. Ramsey explained that Mr. Nyquist is not asking for an extension, but a rehearing because there was some confusion with the Notice in that Mr. Nyquist thought that he (Mr. Ramsey) cancelled his case. Mr. Ramsey felt that because of the confusion, the proper thing to do would be to rehear this case.

Ms. Melody Sanderson, Code Enforcement Officer, pulled items 5-B) 1a – Craig A. Watson and Theresa J. Watson, 5-B) 1j – Maxwell Properties, Inc. and Unknown Tenant of Bay 1, and 5-B) 1m – Omar Atway from today's agenda. She reported that they were all in compliance.

Mr. Noonan made a motion to adopt the agenda as amended. Mr. Pizzichillo seconded the motion and it passed unanimously.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

1. CASE #16-CE-6685 / 919M

VIOLATOR: Beatriz Rey

VIOLATION: Garage enclosed without permits, approval, or certificate of occupancy from the Indian River County Building Department

VIOLATION ADDRESS: 2326 Atlantic Boulevard, Vero Beach, Florida 32960

Ms. Sanderson reported that this case was before the Board at their August meeting and the Board found that a violation exists. She reported that this case is before the Board today for a status report. She said that Ms. Beatriz Rey, property owner, obtained Code Compliance for the fence from the Planning and Development Department, but needs to complete the process by obtaining a permit from the Indian River County Building Department, as well as permit approval and Certificate of Occupancy for the enclosure of the garage. She reported that Ms. Rey is present for today's hearing. Also present for today's hearing is Ms. Dora Colon, employee of the City of Vero Beach, who is present to translate to ensure there is no language barrier.

Ms. Beatriz Rey reported that the County wants \$1,500 up front. She said that the County also told her that she would need to hire an Architect to do the measurements, which would be another cost. She thought that she was only going to have to pay \$400, but she was told that the impact fees were \$960. She said that is above her budget and she doesn't know what to do.

Mr. Pizzichillo asked when was the garage enclosed. Ms. Rey answered approximately seven (7) years ago.

Mr. Pizzichillo asked if it was occupied. Ms. Rey said it is occupied by her daughter.

Mr. Pizzichillo asked is she the only person occupying it. Ms. Rey answered yes.

Mr. Bryant asked would it be too difficult to dismantle what was done. Ms. Rey answered yes.

Mr. Pizzichillo asked is it too difficult to pay the fines. Ms. Rey answered yes.

Mr. Noonan noted that the Board has not set a fine.

Mr. Pizzichillo said Ms. Rey stated that she can't dismantle what was done and she can't pay for it, which is a problem.

Mr. McDonald asked how is it that this was done seven (7) years ago and it is just now coming up. Ms. Sanderson explained that the property was picked up by being on a short term rental site and when issuing the warning citation it was found that the garage was enclosed for additional living space and a fence was installed without permits.

Mr. Pizzichillo asked was this picked up from an advertisement for a short term rental. Ms. Sanderson reported that it was advertised and when Ms. Rey received the warning citation she immediately stopped advertising and she has not rented it as a short term rental.

Mr. Pizzichillo asked Ms. Rey when her daughter started living there. Ms. Rey said her daughter has lived there since it was enclosed.

Mr. Coment said it might not have been that room that was being advertised to rent. He said maybe Ms. Rey could give an estimate on the time she would need to correct the issue.

Mr. McDonald asked what is the cost of the license, permits, etc., that are required. Ms. Rey answered \$1,500.

Mr. Bryant said that cost is for the permitting.

Ms. Rey said they want \$1,500 up front and then have an Architect to try to figure out how it was done. She said they even told her that she might have to take down some of the walls.

Mr. Noonan asked Ms. Rey if she felt allowing more time would help her. He explained that there is nothing the Board can do about permit fees or impact fees. He asked would allowing more time help or did she want to try to resolve this today.

Mr. Coment said the problem is there is a violation that has not been corrected. The only thing the Board can do is order correction by a date certain and impose fines.

Ms. Sanderson said maybe they could extend the time and stay within the time frame of the Code Compliance so it doesn't expire.

Mr. Coment asked what is the time period of the Code Compliance. Ms. Sanderson thought it was six (6) months. She suggested that the Board allow 90 days.

Mr. Pizzichillo felt that six (6) months was too long. He was in agreement with allowing 90 days.

Mr. Noonan explained that Ms. Rey has a Code Compliance agreement with the City, which allows six (6) months.

Mr. Coment asked is the Code Compliance agreement for the fence or the enclosed garage. Ms. Sanderson said it is for the fence.

Mr. Coment asked what is happening with the fence. Ms. Sanderson said a building permit is required.

Ms. Sanderson felt they would be best served to extend the time 90 days to give Ms. Rey time to start the process. She said they don't want the Code Compliance to expire.

Ms. Sanderson asked Ms. Colon to explain to Ms. Rey that the Board is discussing allowing her 90 days to get the process started and that the Code Compliance will expire in six (6) months. She asked Ms. Colon to ask Ms. Rey if she felt that she would be better prepared to start the process of permitting if given an additional 90 days.

Ms. Colon explained the question to Ms. Rey. Ms. Rey said that she will try.

Mr. Bryant said it might be cheaper for her to tear apart the garage. Ms. Rey said that is not an option.

Mr. Bryant explained that the option would be \$1,500 for permitting, she would have to hire an architect who will change walls, etc., to bring it up to Code, and she would have to hire a contractor to fix anything that is not up to Code. He said that she could be looking at a cost of \$10,000. He told Ms. Rey that she needs to think about it and weigh her options.

Mr. Pizzichillo asked Ms. Rey what she was planning to do in the next 90 days. Ms. Rey said that she didn't know.

Mr. Price asked what happens if she doesn't do anything.

Mr. Coment explained that the Board could order correction by a date certain and if it is not corrected fines could start accruing daily.

Mr. Noonan asked is the property homesteaded. Ms. Rey answered yes.

Mr. McGann asked Ms. Rey if she has a mortgage. Ms. Rey answered no.

Mr. McGann asked if she owns the property free and clear. Ms. Rey answered yes.

Mr. McGann said it was his understanding that Ms. Rey was having trouble coming up with the money. Ms. Rey said that is correct.

Mr. McGann asked will 90 days help or will she be coming back before the Board still not having any funds. Ms. Rey said that she didn't know, but she would try.

Mr. Bryant explained to Ms. Rey that she might have to go to a bank to get a loan in order to make these corrections.

Mr. Noonan made a motion that the Board will review this case again in 90 days (at the December 14, 2016 Code Enforcement Board meeting). Mr. Pizzichillo seconded the motion.

Mr. Pizzichillo said that he would like Ms. Rey to sit down with the City to come up with a game plan. He said 90 days is a long time and he didn't want her to come back before the Board after 90 days stating that she didn't know what she was going to do. He said that he would like to amend the motion.

Mr. Coment asked was there a second to the motion. Mr. Pizzichillo said that he seconded the motion. Mr. Coment felt that it would be better for the Board to finish with the original motion and then make another motion.

The motion passed unanimously.

Mr. Pizzichillo made a motion that Ms. Rey sit down with the City within the next 30 days to come up with a game plan.

Mr. McGann asked do they have to be specific with who in the City Ms. Rey is to sit down with.

Mr. Noonan said it would be a County issue.

Mr. Pizzichillo amended his motion that Ms. Rey sit down with the County to come up with a game plan within 30 days.

Mr. Noonan asked can the Board order that. Mr. Coment said the Board could ask her. But, order her to sit down with County staff, he didn't know how that would go over.

Mr. Pizzichillo withdrew his motion.

Mr. Pizzichillo asked Ms. Rey to consider sitting down with the proper County officials within 30 days in order to come up with a game plan for her own benefit.

Ms. Colon explained this information to Ms. Rey.

2. CASE #16-CE-6820 / 947M

VIOLATOR: Michael R. Ludwig; Cathy Kelly Ludwig; James Shaundale Webb

VIOLATION: Oak Tree removed without a permit

VIOLATION ADDRESS: 907 Tropic Drive, Vero Beach, Florida 32963

Ms. Sanderson reported that this case was continued from the August Code Enforcement Board hearing.

Mr. Coment explained that the Board continued the hearing to allow the violator time to find some proof that the tree that was cut down was dead or dying, which would not need mitigation. He noted that the issue would still have to go to the Planning and Development Department to make that determination as well.

At this time, the Deputy City Clerk swore in Mr. Joseph S. Webb.

Mr. Webb submitted into the record photographs that he took of the logs from the tree that he took down.

Mr. Coment read from the Board Order Continuing Hearing, *“in light of the violators’ dispute of the condition of the subject Oak Tree when it was removed, it would be appropriate to continue this hearing to allow the violators additional time to have an arborist confirm their defense to the required mitigation that the tree was dead or dying when removed.”*

Mr. Pizzichillo asked Mr. Webb if he had someone look at the tree. Mr. Webb answered yes.

Mr. Pizzichillo asked is it in writing. Mr. Wells answered no.

Mr. Noonan asked Mr. Webb if he has been in touch with the Planning and Development Department. Mr. Wells answered no.

Mr. Noonan explained to Mr. Webb that meeting with the Planning and Development Department needs to be the next step. He thought the Board intended for him to take care of that prior to today’s hearing.

Ms. Sanderson submitted into evidence a photograph that she took of the tree.

Mr. McDonald asked if that was the same tree. Ms. Sanderson said that it is the tree that was documented on site as being removed from that address.

Mr. Pizzichillo asked Mr. Webb if he was sure this was the same tree. Mr. Webb said the tree that he took pictures of was the tree.

Mr. McDonald said the tree in Ms. Sanderson’s picture does not even resemble the tree in the pictures that Mr. Webb submitted.

Mr. Bryant thought that Mr. Webb was directed by the property owner to take down the tree.

Mr. Coment asked if Mr. Michael Ludwig or Mrs. Cathy Ludwig were present today. Mr. Webb said they are in Colorado.

Mr. Pizzichillo said in comparing Mr. Webb's pictures and Ms. Sanderson's picture, it is a different tree. One picture shows a large hole in the middle and in looking at the stumps he doesn't see that. The circumference does not look similar and the bark of the tree does not look similar.

Mr. Ramsey said that he was present at the time Ms. Sanderson took the pictures and knows they are true and accurate. He does not know what Mr. Webb's pictures depict, but it does not appear to be the same tree to him.

Mr. McDonald asked Mr. Webb if he owns a tree service. Mr. Webb answered yes.

Mr. McDonald asked if it is here in Vero Beach. Mr. Webb answered yes.

Mr. McDonald asked Mr. Webb how long he has had the tree service. Mr. Webb said they have been in service for over 12 years. He said they have a lawn service, but they do some tree trimming.

Mr. McDonald asked if no one in the business is aware that they can't cut down an Oak Tree without a permit.

Mr. Webb said a live Oak Tree, but not a dead Oak Tree.

Mr. Coment said a permit is still needed if the tree is dead or dying. Mr. Wells said that he did not know that.

Mr. Coment said the only issue is about mitigation, which Mr. Webb still needs to discuss with the Planning and Development Department.

Mr. Noonan said that is not for the Code Board to decide.

Ms. Sanderson explained that mitigation can be done by paying into the Tree Fund or replacing the tree. She reported that Ms. Gayle Laferty of the Planning and Development Department sent an email to Mrs. Kelly (Cathy Kelly Ludwig) on July 29, 2016 and she received an email yesterday afternoon, which stated: "*Mrs. Ludwig called stating that she was not going to do the required mitigation in that she had the tree removed because it was growing into wires. That she has not received any further information from her whether she was doing the required mitigation on site or paying into the Tree Replacement Fund.*"

Mr. Noonan asked what was the civil penalty on the original citation. Mr. Coment said it was \$250.

Mr. Coment explained that the violation is not considered corrected until mitigation is taken care of or the Planning and Development states that mitigation is not required.

Mr. Pizzichillo asked Ms. Sanderson to read the email again.

Ms. Sanderson read into the record an email from Ms. Laferty to Mrs. Kelly (Cathy Kelly Ludwig) dated July 29, 2016, "*Your After-the-Fact Tree Removal Application has been*

reviewed. According to Section 72.44 (c)(2), when a Specimen Tree is removed without a permit, double mitigation is required. You may either do the tree replacement on site, or make payment into the Tree Mitigation Fund. The total mitigation required is 48" caliper. The replacement trees shall be of a species on a list recommended by the Florida Urban Forestry Council for Central Florida similar to the tree removed in terms of height and canopy spread at maturity. The trees shall be a minimum of 3 inches DBH at time of installation, with a minimum height meeting the standards for the particular tree species in Grades and Standards for Nursery Plants. Replacement tree shall be Florida Grade No. 1 or better (Section 72.43). If you choose to make a payment into the Tree Mitigation Fund instead the fee will be \$5,088. Ms. Sanderson reported that Ms. Laferty forwarded her this email yesterday along with the email that she (Ms. Sanderson) previously quoted.

Mr. Pizzichillo said the last part of that was interesting because it was stated that in Ms. Ludwig's conversation, she stated that she removed the tree because it was growing into the wires. At no point did she state that the tree was dead or dying.

Mr. McGann referred to the letter from Mrs. Ludwig dated July 13, 2016 where it stated, *"The limbs were intertwined in our above ground electrical lines. Upon further inspection, the tree had termites eating it, hollowing it out."*

Mr. McGann reminded Mr. Webb that he was under oath. He asked Mr. Webb if he looked at the pictures submitted.

Mr. Webb said that he saw the pictures that he provided.

Mr. McGann showed Mr. Webb the picture that Ms. Sanderson took and the pictures that he (Mr. Webb) submitted. He asked Mr. Webb in his professional opinion, is it possible it is the same tree. Mr. Webb answered yes.

Mr. McGann asked Mr. Webb to explain to the Board what he sees in the pictures. Mr. Webb said the diameter of a tree is not the same throughout the whole tree. He referred to one of the pictures stating that he could see some rot, which tells him that it seems like it was getting worse and worse as they get lower to the trunk.

Mr. McDonald asked Mr. Webb when did he take the pictures that he submitted. Mr. Webb answered yesterday.

Mr. McDonald asked Ms. Sanderson when she took her pictures. Ms. Sanderson answered June 27th.

Mr. McDonald said then these logs have been laying in the yard for that period of time. Mr. Webb said that is correct.

Mr. Pizzichillo said at minimum, there was no permit. Ms. Sanderson said no permit has been issued.

Mr. Pizzichillo said whether they agree or disagree about the diameter of the tree, the rotting of the tree, etc., there was no permit pulled and to him that is a violation.

Mr. Coment said the issue is the correction by mitigation. Typically what the Board would do is order correction by taking care of the mitigation by a certain date and if it is not done by that date the Board would establish an amount of the civil penalty going forward from that date.

Ms. Sanderson explained that mitigation can be replacement trees or payment into the Fund. She said it might be that replacement trees would cost considerably less than payment into the Mitigation Fund. But, because they don't have any input from the property owner no permit has been prepared because they don't know which direction the property owner wants to go.

Mr. McDonald said it was reported that the property owner was not going to participate in mitigation.

Mr. Noonan made a motion that the Board finds there is a violation, the violation continues, and that the Board issues a Board Order to correct by October 11, 2016 (the day prior to their next meeting). Mr. Pizzichillo seconded the motion and it passed unanimously.

3. CASE #16-CE-6872 / 957M

VIOLATOR: Joseph R. Daniels, Sr. and Donna M. Daniels

VIOLATION: Operating a guest house and transient quarters in a residential zone

VIOLATION ADDRESS: 3815 Silver Palm Drive, Vero Beach, Florida 32963

Ms. Christy Pickerill introduced herself to the Board.

Mr. Noonan explained to Ms. Pickerill that Mr. Zbrzezny would speak first.

Mr. Nickolas Zbrzezny, Attorney, reported that this case involves a citation that was issued with respect to a property being utilized as a guest house and transient quarters in a residential zoning district in which that use is not permitted. A citation was issued by Ms. Sanderson based on advertisements on line, her observation of out of state vehicles on the property for a one-week period, and contact that was made by a Police Officer with one of the tenants.

Mr. Zbrzezny asked Ms. Sanderson to introduce herself. Ms. Sanderson introduced herself stating that she is a Code Enforcement Officer for the City of Vero Beach.

Mr. Zbrzezny asked are they here today in reference to the property located at 3815 Silver Palm Drive. Ms. Sanderson said that is correct.

Mr. Zbrzezny asked did you issue a citation for this property. Ms. Sanderson answered yes.

Mr. Zbrzezny asked for what. Ms. Sanderson answered for operating a guest house and transient quarters in a residential zone.

Mr. Zbrzeznj asked what zoning district was that property located in. Ms. Sanderson answered R-1A.

Mr. Zbrzeznj asked is that land use guest house and transient quarters a permitted or conditional land use in that particular zoning district. Ms. Sanderson answered no.

Mr. Zbrzeznj asked is it a permitted or conditional use in any residential zoning district. Ms. Sanderson answered no.

Mr. Zbrzeznj asked who are the property owners at 3815 Silver Palm Drive. Ms. Sanderson answered according to the Property Appraiser, Joseph and Donna Daniels.

Mr. Zbrzeznj said and you determined this via the Property Appraiser's website. Ms. Sanderson said that is correct.

Mr. Zbrzeznj asked how did you determine that the property was being utilized for this impermissible land use. Ms. Sanderson said it was found on the short term rental website as vacation rental by owner.

Mr. Zbrzeznj asked what is vacation rental by owner. Ms. Sanderson answered it is a clearing house for rental properties where owners advertise and rent the property and tenants make contact to rent.

Mr. Zbrzeznj showed on the screen a copy of the printout of the advertisement. He asked is this the advertisement you were referencing. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked does it state the minimum for the nights that a person has to stay at this property if they rent it. Ms. Sanderson answered it says minimum stay one night.

Mr. Zbrzeznj asked are you familiar with VRBO.com (the website referred to). Ms. Sanderson answered that they have been working a lot on the websites in monitoring them.

Mr. Zbrzeznj asked is that minimum nights stay something that the person who puts the advertisement up can change. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked how many bedrooms does this property have based on the advertisement. Ms. Sanderson answered that it is advertised with four (4) bedrooms.

Mr. Zbrzeznj asked is this what you referenced. Ms. Sanderson answered yes.

Mr. Zbrzeznj showed on the screen photographs in the advertisement. He asked does this particular advertisement have photographs. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked do you recognize these photographs. Ms. Sanderson answered yes. She said that she recognized it as a property that has been in violation before as a short term rental.

Mr. Zbrzeznj said so you are familiar with this particular property and able to identify 3815 Silver Palm Drive as the property depicted in this advertisement. He asked is that correct. Ms. Sanderson answered yes.

Mr. Zbrzeznj said so based on that previous encounter you know who the property owners are as well. He asked is that correct. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked after the advertisement, what did you do. Ms. Sanderson answered that she checked the property and observed vehicles and requested that contact be made by an Officer.

Mr. Zbrzeznj asked did you take some photographs when you inspected the property. Ms. Sanderson answered yes.

Mr. Zbrzeznj said that he has a composite exhibit of some photographs. He showed on the screen a picture that was taken on July 2, 2016. He asked Ms. Sanderson what does this picture depict. Ms. Sanderson said it shows no vehicles on site.

Mr. Zbrzeznj asked was the property vacant on July 2, 2016. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked what was the next date you took photos. Ms. Sanderson answered July 4, 2016.

Mr. Zbrzeznj showed on the screen photographs dated July 4, 2016. He asked are these the photos you took. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked what do these photos depict. Ms. Sanderson said these are the tags of the vehicles that were on site.

Mr. Zbrzeznj asked how many vehicles. Ms. Sanderson answered three (3) vehicles.

Mr. Zbrzeznj asked where were the vehicles from. Ms. Sanderson answered the State of Ohio.

Mr. Zbrzeznj asked all three (3) of them. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked did you run the plates. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked did any of the vehicles come back to the property owners. Ms. Sanderson answered no.

Mr. Zbrzeznj asked does this property have a property manager that you are familiar with. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked who is it. Ms. Sanderson answered Christy Pickerill.

Mr. Zbrzeznj asked did any of these vehicles come back as hers. Ms. Sanderson answered no they did not.

Mr. Zbrzeznj showed another photograph on the screen. He asked what is the next date. Ms. Sanderson answered July 5, 2016.

Mr. Zbrzeznj asked what did you observe on July 5th. Ms. Sanderson said there were vehicles on site with one new vehicle.

Mr. Zbrzeznj asked did you run that tag. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked who did that tag belong to. Ms. Sanderson answered a car rental company.

Mr. Zbrzeznj asked not the property owner. Ms. Sanderson answered no.

Mr. Zbrzeznj asked not the property manager. Ms. Sanderson answered no.

Mr. Zbrzeznj asked what was the next day that an additional vehicle arrived on site. Ms. Sanderson said it was observed on July 5, 2016.

Mr. Zbrzeznj said initially there were three (3) vehicles and a fourth vehicle arrived on July 5th. He asked was there a point in time when a fifth vehicle arrived on site. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked what day. Ms. Sanderson answered July 9th.

Mr. Zbrzeznj showed on the screen more pictures of vehicles on site. He said the date is July 8th and shows the same four (4) vehicles. Ms. Sanderson said that is correct.

Mr. Zbrzeznj showed on the screen another set of pictures of vehicles on site. He said the date is July 9th and asked is that when the fifth vehicle arrived. Ms. Sanderson said that is correct.

Mr. Zbrzeznj asked did you run that plate. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked did it belong to the property owners. Ms. Sanderson answered no. She said it came back as belonging to a car leasing company.

Mr. Zbrzeznj questioned, it didn't belong to the property manager either. Ms. Sanderson answered no.

Mr. Zbrzeznj asked what was the next date you took a picture. Ms. Sanderson answered July 11th.

Mr. Zbrzeznj showed on the screen another picture. He asked is this the picture that you took on July 11th. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked if the property was vacant on that date. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked no other vehicles. Ms. Sanderson answered no.

Mr. Zbrzeznj asked was there a point in time when you had a Police Officer contact the residents or tenants on that property. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked which officer. Ms. Sanderson answered Officer Vasquez.

Mr. Zbrzeznj asked do you know who he made contact with. Ms. Sanderson answered Mr. Coman.

Mr. Zbrzeznj asked is his name Vasile Coman. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked where is Mr. Coman from. Ms. Sanderson answered Ohio.

Mr. Zbrzeznj asked did he advise you that he was renting that property for one (1) week. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked did he indicate that he found it on the internet. Ms. Sanderson answered yes.

Mr. Zbrzeznj said you stated that you ran all five (5) plates. He asked did any of the plates on the vehicles you observed belong to Mr. Coman. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked was that one (1) of the Ohio plates. Ms. Sanderson answered yes. She said it was the plate on the Toyota.

Mr. Zbrzeznj asked based on the advertisement, your observation of the vehicles and Officer Vasquez's contact with Mr. Coman, did you issue a citation for this property. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked how did you serve the citation. Ms. Sanderson answered by posting of the property and by certified mail.

Mr. Zbrzeznj said you stated that you are familiar with the property owners. He asked is one of the property owners Donna Daniels. Ms. Sanderson answered yes.

Mr. Zbrzeznj asked did she contact you subsequent to the issuance of the citation and confirm that she did receive it. Ms. Sanderson answered yes.

Mr. Zbrzeznj said that he did not have any further questions for Ms. Sanderson. He said that he does have one (1) other witness. He asked the Board members if they had any questions for Ms. Sanderson.

Mr. McDonald asked if he was correct that this is a repeat violation. Ms. Sanderson answered yes.

Mr. McDonald asked what was the original violation. Ms. Sanderson said operating as a guest house.

Mr. McDonald asked approximately when. Ms. Sanderson said it was last year.

Mr. Coment said at this point Ms. Pickerill would have a chance to cross-examine the Code Officer. He noted that it would only be to ask the Code Officer questions, not for Ms. Pickerill's testimony.

Ms. Pickerill introduced herself to the Board. She said if she can speak later she would wait. She asked if she could ask follow up questions later as well. Mr. Noonan answered yes.

Ms. Pickerill said that she would wait to speak.

Mr. Zbrzezni asked Officer Vasquez to introduce himself. Officer Vasquez introduced himself to the Board.

Mr. Zbrzezni asked how long have you been a Law Enforcement Officer. Officer Vasquez answered approximately seven (7) years.

Mr. Zbrzezni asked are you familiar with the property located at 3815 Silver Palm Drive. Officer Vasquez answered yes.

Mr. Zbrzezni asked did you assist Code Enforcement with an issue regarding a short term rental at that address. Officer Vasquez answered yes.

Mr. Zbrzezni asked do you recall when that was. Officer Vasquez said it was in the evening hours of July 4, 2016.

Mr. Zbrzezni asked did you go on the property and knock on the door. Officer Vasquez answered yes.

Mr. Zbrzezni asked who did you speak with. Officer Vasquez answered Mr. Coman.

Mr. Zbrzezni asked did he come to the door by himself or were other people with him. Officer Vasquez said that Mr. Coman opened the door. He said that he initiated a conversation with him (Mr. Coman) at which point he asked what his name was and that is how he came to know him (Mr. Coman).

Mr. Zbrzezni said there were other people with him. Officer Vasquez said that is correct. He said if he recalled correctly, there were two (2) females that came to the door with him.

Mr. Zbrzezni asked did he indicate that he was renting that property. Officer Vasquez answered yes. Officer Vasquez said that he asked, based on his call to the house, if he was the property owner and was advised that he was not, that he was renting weekly. Officer Vasquez said that he reiterated that question a few times to make sure that it was a weekly rental. He said that he was told that he (Mr. Coman) was visiting Vero Beach for one (1) week trying to enjoy the City.

Mr. Zbrzezny asked to clarify, did he say that he was renting weekly or that he was renting for a week. Officer Vasquez said that he was renting for a week.

Mr. Zbrzezny asked where is he from. Officer Vasquez answered Cleveland, Ohio.

Mr. Zbrzezny asked did he tell you how he found the residence for rent. Officer Vasquez answered yes. He said that he asked him (Mr. Coman) how he came about finding the residence and was told that he found it on the internet.

Ms. Pickerill said that she does not have any questions for Officer Vasquez.

Mr. Zbrzezny thought that before he does his summation that Ms. Pickerill can present her case to the Board.

Ms. Pickerill said that she met Mrs. Donna Daniels about five (5) years ago and she remodeled and designed her home. She said since then Mrs. Daniels' husband passed away. She said this was not meant to be used as a vacation home at all. It was going to be a home for them and their family to stay to get away. She said that because she owns properties Mrs. Daniels asked her if she would help her. She said that Mrs. Daniels lets her stay there whenever she wants noting that she does not pay to stay there. Ms. Pickerill said that she thought that this was a new Ordinance and in speaking with property owners on the beach they are unhappy with it. She said that she didn't know how old the Ordinance is or what the rules are. She said that Mrs. Daniels called the City last year when this first came about and was told, in her understanding (Ms. Pickerill), that she could not rent it to more than two families in a one-month period. Ms. Pickerill said so as long as they had one (1) tenant for the month of July that would be okay. That they couldn't stack it up and have two (2) different families coming in and staying two (2) separate weeks. She said that they have never had any problems or had the Police come to the residents besides for Code Enforcement. She said that she needs more clarification on what is allowed and what is not allowed. She said that she would like to know when the Ordinance started and would like to have clear rules so that she doesn't have this issue again.

Mr. McGann asked are you actually renting the property. Ms. Pickerill said that Mrs. Daniels rents it on VBRO (website) and when she (Ms. Pickerill) can she will meet people on the property with the keys.

Mr. McDonald said then you really have nothing to do with the mechanics of listing this property on the internet, collecting money, etc. Ms. Pickerill answered no. She said it is all done through VBRO.

Mr. Noonan said this Ordinance has been around a long time.

Ms. Pickerill said then you (the City) are just enforcing it. Mr. Noonan said exactly.

Mr. Noonan said the definition of transient or short term rental is less than 30 days so if they rent the property for 31 days that would be allowed.

Ms. Pickerill said if someone pays to rent the property for 30 days and chose to leave in 15 days, she could not make them stay.

Mr. Noonan again stated that it is legal if it is rented for 31 days.

Mr. Coment said if they leave after 15 days and then the house is rented again for the other 15 days they might have a problem.

Ms. Pickerill said that she understood. She said that she does go over there and enjoy the pool, walk the beach, etc. It was her understanding that friends and family are permitted as long as it is not being paid for.

Mr. Noonan thought that was okay as long as she was not renting it.

Ms. Sanderson asked Ms. Pickerill to speak with Mrs. Daniels because she did sign a compliance agreement, she is aware of what the guidelines are, and when the Ordinance started being enforced last year.

Mr. Pizzichillo felt that the City has made their case. He found that there has been a violation and felt the Board has to do something about it.

Mr. Zbrzezny said that because Ms. Pickerill essentially testified, he would ask what they were charging a week for this property. He said compliance is two-fold in that whether or not they are still renting it, as well as the \$500 penalty has not been paid. It was his understanding that the property has not been brought into compliance.

Mr. Coment asked Ms. Sanderson is the property continuing to be rented on a short term basis. Ms. Sanderson said it has had tenants, but complied after this.

Mr. Coment said there have been subsequent violations. Ms. Sanderson said nothing has been cited.

Mr. Zbrzezny clarified that he wasn't suggesting that there was subsequent violations, but his understanding is that the \$500 penalty has not been paid and that is part of coming into compliance.

Ms. Sanderson felt that it should be \$500 a day for every day they were in violation.

Mr. Coment said the Board can't back track until there has been a Board Order to Correct.

Mr. Noonan said they would be issuing an order to pay. Mr. Coment said that is correct. He said the Board would find that there was a violation and to pay the civil penalty.

Mr. Noonan asked is there a cost of enforcement. Ms. Sanderson answered no.

Mr. McGann made a motion that the Board finds that they should pay the \$500 civil penalty in order to come into compliance. Mr. McDonald seconded the motion and it passed unanimously.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

*Please note that the following cases on today's agenda were not heard in the order listed.

- a. CASE #16-CE-6947 / 971M**
VIOLATOR: Craig A. and Theresa J. Watson
VIOLATION: Operating a guest house and transient quarters in a residential zone
VIOLATION ADDRESS: 903 Sandpiper Lane, Vero Beach, Florida 32963

This item was pulled from today's agenda.

- b. CASE #16-CE-6638 / 0974T**
VIOLATOR: Chessboard Properties, LLC
VIOLATION: Construction / interior-exterior renovation work constructed without benefit or permitting and/or approvals
VIOLATION ADDRESS: 1861 10th Avenue, Vero Beach, Florida 32960

Mr. Coment said this is the case that Mr. Ramsey reported to the Board that he was withdrawing the citation. Mr. Coment said that his recommendation would be that the Board rescinds their prior Order to Correct and Pay. He explained that the property is not owned by Chessboard Properties, LLC and the Code Officer would be starting a new case with the new property owner.

Mr. Noonan made a motion that the Board rescinds the previous Board Order. Mr. Pizzichillo seconded the motion and it passed unanimously.

- c. CASE #16-CE-6651 / 0984T**
VIOLATOR: Frank Defelice
VIOLATION: Grass, weeds, and undergrowth in excess of 12"; vehicle on site with expired vehicle registration/tags; pool is green/black and stagnant
VIOLATION ADDRESS: 1405 15th Avenue, Vero Beach, Florida 32960

Mr. Ramsey reported that this case was before the Board at their August meeting. He said there has been no change and the property remains in violation.

Mr. Coment reported that the Board entered an Order to Correct establishing a continuing penalty if the Board finds the violation has not been corrected. Therefore, the Board Order would be to impose the continuing penalties.

Mr. Noonan made a motion that the Board finds the violations continue and that the Board issues an order to pay the \$100 civil penalty, the \$59.10 cost of enforcement and continuing penalties (\$100 a day). Mr. McDonald seconded the motion and it passed unanimously.

Mr. Pizzichillo said that he was very concerned about the breeding grounds for mosquitoes. He would hope in the near future that someone corrects this, whether Mr. Defelice does it or the City.

Mr. Coment explained that it is up to Code Enforcement, not the Board.

Mr. Ramsey said at this point, their only remedy would be to request abatement from the City Manager.

Mr. Pizzichillo felt that they needed to do something.

- d. CASE #16-CE-6843 / 951M**
VIOLATOR: Matt Martise / Agent - Outlier Investments, LLC; c/o Isabella's Bridal Company
VIOLATION: Air conditioner unit installed without permit from the Indian River County Building Department
VIOLATION ADDRESS: 2325 18th Avenue, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)

Mr. Coment reported that the Board previously issued a Board Order to correct the violation and to pay the civil penalty.

Ms. Sanderson reported that this case was before the Board last month and the property owner, Mr. Matt Martise, said that he would pull a permit. She reported that as of today the property remains in violation as no permit has been pulled. She said the initial civil penalty in the amount of \$50 has been paid. She asked the Board to issue a Board Order with daily continuing penalties.

Mr. Coment reported that the Board issued a Board Order to correct by September 14, 2016. Therefore, if the Board issues a Board Order with continuing penalties, the penalties would start on September 15, 2016.

Mr. Noonan made a motion that the Board finds there is a violation, that the violation continues, that they issue a Board Order to correct the violation, that the payment of the initial civil penalty in the amount of \$50 has been paid, and that a continuing penalty in the amount of \$50 a day commence tomorrow (September 15, 2016). Mr. Bryant seconded the motion and it passed unanimously.

- e. CASE #16-CE-6844 / 952M**
VIOLATOR: Matt Martise / Agent - Outlier Investments, LLC; c/o Isabella's Bridal Company

VIOLATION: Garage apartment is being used as a dwelling unit

VIOLATION ADDRESS: 2325 18th Avenue, Vero Beach, Florida 32960

(Paid \$50 Civil Penalty)

Ms. Sanderson reported that this case was before the Board at their August meeting and the Board found the property in violation and allowed the property owner 30 days to correct and he was to come before the Board at today's hearing to give a status report. She reported that the apartment is still occupied by a tenant, which is an unpermitted use. She requested continuing penalties in this case. She asked Mr. Coment if the continuing penalty would start the day prior to the original compliance date.

Mr. Coment said the Board issued a Board Order for a hearing on the status of corrective action. The Board did not order correction by a date certain.

Ms. Sanderson said at last month's hearing, she asked Mr. Martise to enter into a compliance agreement with the City and they would extend 60 days at that point, but Mr. Martise opted not to.

Mr. Coment suggested that the Board establish an actual correction date with a civil penalty amount that would commence the day after the correction date.

Mr. Noonan made a motion that the Board finds there is a violation, that the violation continues and that the Board issues a Board Order to correct by October 11, 2016 at which time a continuing penalty in the amount of \$50 per day would commence. Mr. Pizzichillo seconded the motion and it passed unanimously.

f. CASE #16-CE-6968 / 852M

VIOLATOR: Matt Martise / Agent – Outlier Investments, LLC

VIOLATION: Air conditioner installed without a permit from the Indian River County Building Department

VIOLATION ADDRESS: 2325 18th Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that the property owner, Mr. Matt Martise, changed the air conditioner back and was issued a citation that it was done without a permit.

Mr. Noonan said then he put in a new air conditioner without a permit, received a citation, at which time he took the new one out and put the old one back in.

Ms. Sanderson said after Mr. Martise appeared before the Board and stated that he would pull a permit; he chose not to pull a permit and to change it out once again without a permit.

Mr. Bryant said so he put the old air conditioner back in. Ms. Sanderson said most likely it was the old one.

Mr. Coment noted that there was no request for a hearing so the violation is admitted. He said if the Board chooses, the Board could issue a Board Order to correct by obtaining permits by a date certain and if not corrected then start assessing a civil penalty.

Mr. Noonan asked how would this case affect the previous case.

Ms. Sanderson explained that Mr. Martise would only need to pull one (1) permit.

Mr. Noonan made a motion that the Board finds there is a violation, and that the Board issues a Board Order to correct by obtaining permits by October 11, 2016 and if not in compliance that a continuing penalty in the amount of \$100 a day would commence and to pay the initial civil penalty in the amount of \$100. Mr. Pizzichillo seconded the motion and it passed unanimously.

- g. CASE #16-CE-6842 / 1036T**
VIOLATOR: Carlos Aguilera
VIOLATION: Construction of a shed without an Indian River County Building Department permit or City of Vero Beach Planning and Development approval
VIOLATION ADDRESS: 1506 14th Court, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)

Mr. Ramsey reported that he pulled this case from last month's Code Enforcement Board agenda to allow the property owner more time for permitting. He reported that he has not heard from the property owner and no permits have been pulled.

Mr. Noonan made a motion that the Board issues a Board Order to correct by obtaining permits by October 11, 2016 and if not in compliance that continuing penalties of \$50 a day would commence. Mr. Pizzichillo seconded the motion and it passed unanimously.

- h. CASE #16-CE-6601 / 0965T**
VIOLATOR: B. Anders Nyquist
VIOLATION: Construction on site without permits or approvals as required by City and County Code
VIOLATION ADDRESS: 1715 19th Street, Vero Beach, Florida 32960
(Violator Wants Case Reheard)

Mr. Ramsey asked that this case be pulled from today's agenda and rescheduled as a rehearing on October 12, 2016.

Mr. Coment said the Board previously entered a Board Order, which would be held in abeyance until the October 12, 2016 rehearing, if that is what the Board chooses.

Mr. Noonan made a motion that the Board rehears this case at the October 12, 2016 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.

- i. CASE #16-CE-6914 / 2016002050**
VIOLATOR: Benjamin Elias Daum
VIOLATION: Pedestrian violation
VIOLATION ADDRESS: 17th Street and U.S.1, Vero Beach, Florida 32960

Ms. Sanderson reported that service of the citation was provided by hand delivery by Officer Evans. She reported that the civil penalty in the amount of \$50 has not been paid.

Mr. Noonan asked what was the violation.

Ms. Sanderson said the violator was interfering with traffic at an intersection.

Mr. Coment said this is a one (1) time violation so the Board would issue an Order to pay.

Mr. McDonald asked does the violator have a residence. Ms. Sanderson answered no. She explained that the citation and Notice of Hearing was served to the violator when he was incarcerated.

Mr. Noonan made a motion that the Board issues a Board Order to pay the civil penalty in the amount of \$50. Mr. Pizzichillo seconded the motion and it passed unanimously.

- j. CASE #16-CE-6881 / 964M**
VIOLATOR: Maxwell Properties, Inc. and Unknown Tenant of Bay 1
VIOLATION: Failure to obtain Business Tax Receipt
VIOLATION ADDRESS: 1146 21st Street, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- k. CASE #16-CE-6879 / 963M**
VIOLATOR: Maxwell Properties, Inc.
VIOLATION: Unlicensed, non-operable vehicles, motors, and parts on the north side of the property; failure to maintain site plan (landscaping) plants along U.S.1 are dead
VIOLATION ADDRESS: 1146 21st Street, Vero Beach, Florida 32960

Ms. Sanderson reported that the service of the citation was provided by posting of the property and by certified receipt. No request for a hearing on the citation has been received so a hearing to contest the citation has been waived and the violation is deemed as admitted by the violator. She said the violation has not been corrected as of September 14, 2016 and

the civil penalty has not been paid. She noted that the photographs provided were taken yesterday.

Mr. Mark Perusi (spelling may be incorrect), Manager of Maxwell Properties, reported that 90% of the work has been done.

Ms. Sanderson asked 90% of what was corrected. She asked are the buckets gone. Mr. Perusi answered yes.

Ms. Sanderson asked about the frontend loader that was on blocks. Mr. Perusi said the tenant now has their State and City license to do the work on it. He said it is still there and is being repaired.

Ms. Sanderson questioned the vehicles without tags. Mr. Perusi said they all have tags.

Ms. Sanderson asked all the vehicles along the back of the property. Mr. Perusi answered yes. He noted that Mr. Maxwell's truck does not have a tag. All the trailers and all the vehicles along the back have tags.

Mr. Noonan asked if this was a business. Mr. Perusi answered yes. He said there are about six (6) mechanic shops, which they need to have some stuff outside because not all the work can be done in their bays. He reported that they all now have their State and City licenses.

Ms. Sanderson questioned the trailers by the new garbage enclosure. Mr. Perusi said they were being pulled out today.

Ms. Sanderson asked will all the trailers that do not have tags be removed. Mr. Perusi answered yes.

Ms. Sanderson asked will the dead landscaping be replaced. Mr. Perusi said they replanted the landscaping and watered it daily, but because the City made them plant them too early in the summer, they burned up from the heat. He said that he did not think they would have this problem if they could wait until spring.

Ms. Sanderson questioned the overgrowth that was choking the landscaping. Mr. Perusi said they have not trimmed that back yet. They felt it would hold some of the water in because the heat is burning the plants up.

Mr. Noonan said they are making an effort, but are still not in compliance.

Ms. Sanderson said there are several businesses on the opposite side of the bays who feel this is an impact on them. She said this is an ongoing complaint.

Mr. Pizzichillo asked what is in the yellow barrel that is shown in one of the pictures provided. Mr. Perusi said that is the contained oil drop.

Mr. Richard Maxwell, property owner, said the mechanic who works out of one (1) of the bays works on heavy equipment, pulls engines, etc., and can't put everything inside the bay. Mr. Maxwell said that he could put up a fence.

Mr. McGann asked were all the vehicles that did not have tags, vehicles that were being worked on. Mr. Perusi answered yes. He said they were being pulled for parts and once they are finished pulling the parts the vehicles are taken to the scrap yard.

Mr. McGann asked how long do the vehicles sit there. Mr. Perusi said sometimes a month and sometimes a month and a half.

Mr. Maxwell said they could put up a four-foot fence to block the view.

Mr. McDonald asked what about the trailers that are full of trash. Mr. Perusi said that he does work on the weekends and Mr. Maxwell allows him to keep them there. He said they are usually empty, but he did not have a chance to dump them.

Mr. Pizzichillo asked at the present time, how many vehicles do not have tags.

Mr. Maxwell said there is a jeep that they are using for parts, a camper-truck that is for sale, and a Winnebago, which all belong to him. He said the Winnebago is under a dealer, who has a license to sell it. He explained that a vehicle under a dealer does not require a tag.

Mr. Perusi said there is one other vehicle on the property that does not have a tag, which is being used for parts.

Mr. Pizzichillo asked how many vehicles do not have tags.

Mr. Perusi said maybe four (4) or five (5) total.

Mr. Ramsey questioned the trailers. Mr. Perusi said all the trailers have tags, which were put on yesterday. He said that he owns a trailer that does not have a tag, but it is located on the other side of the property and cannot be seen.

Mr. McDonald asked what are the particulars regarding tagging vehicles.

Ms. Sanderson said vehicles that are for sale are not required to have a tag.

Mr. Pizzichillo asked what can they you do to be good neighbors to the people who are being offended.

Mr. Perusi said they would put up a fence so they can't see it.

Mr. Noonan said the correction date was July 29th.

Ms. Sanderson said they checked the property yesterday and have had no contact from them.

Mr. Perusi said that he was there this morning and the property is clean.

Mr. McDonald asked what did the property look like yesterday. Ms. Sanderson said the pictures submitted were taken yesterday.

Mr. Bryant said when the Code Officer was there yesterday they were not in compliance.

Mr. Perusi said the last time there was an issue the Code Officer was there the morning of the hearing.

Mr. Noonan felt the idea of putting up a fence was a good one and one that they should pursue.

Mr. Perusi said if he could get a permit today, he would put the fence up today.

Mr. Pizzichillo asked Mr. Maxwell what his plan is to get this corrected.

Mr. Maxwell said that he would pull a permit to put up a fence and he would keep in contact with Mr. Perusi to make sure that the tenants put their stuff inside their bays.

Ms. Sanderson asked that the door on the camper be secured.

Mr. Perusi said that he would screw the door shut today and remove the camper this weekend.

Mr. Noonan asked was the civil penalty paid. Ms. Sanderson answered no.

Mr. Coment said the Board might want to consider issuing a Board Order to Correct by a date certain, to pay the civil penalty, and bring the case back before the Board for a Compliance Hearing.

Mr. Noonan asked if they could come into compliance in a month.

Mr. Maxwell answered yes.

Mr. Coment said they do have the issue with the landscaping.

Mr. Perusi asked if they could wait to plant new plants until it gets cooler outside.

Mr. Maxwell noted that not all the plants are dead and some might come back.

Mr. Noonan asked the Code Officer if she would be okay with allowing some leeway for them to come into compliance with the landscaping. Ms. Sanderson said that she would agree with allowing 30 days to come into compliance with the landscaping.

Mr. Noonan made a motion that the Board issues a Board Order to come into compliance with all issues prior to the October 12, 2016 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.

- I. CASE #16-CE-6716 / 927M**
VIOLATOR: Russell W. and Karen O'Brien
VIOLATION: Failure to obtain permit to repair seawall
VIOLATION ADDRESS: 701 Tides Road, Vero Beach,
Florida 32963

Ms. Sanderson reported that the property remains in violation and the civil penalty in the amount of \$50 has not been paid.

Mr. Coment noted that because there is no request for a hearing, the violation is admitted.

Mr. Russell O'Brien, property owner, reported that they had a catastrophic failure with the seawall because of a storm that caused over 11 inches of rain. Since that time, and immediately following that time, he tried to contact a number of seawall contractors. He said that he had a company, Summerlin Marine, who was going to do the job. They provided him with an estimate for the job, which he thought was May 26, 2016 noting that date was prior to the original citation date. He said since that time, he contacted six (6) or eight (8) different seawall companies and he does have a contract with one (1) of them. The information was provided to the Code Officer prior to the compliance date of August 2, 2016. He said as part of that contract, the contractor is obligated to do the permitting on his behalf. He said that he paid the contractor with a check, which has been cashed so he does have a bonafied contract. He reported that the contractor told him that he is on the calendar for December or January. He said that is as soon as they can get to it. He reported that the contractor was worried about filing for a permit now because if there is a storm this project would be pushed back. Mr. O'Brien said it his understanding that permits expire in six (6) months. He said the contractor will pull the permit when he feels it is appropriate to get the job done. He reported that they do have to permit with the County, the City, and the Florida Department of Environmental Protection (FDEP). He asked the Board for an extension on the permitting.

Mr. Pizzichillo asked how long of an extension.

Mr. O'Brien said that he called the contractor late last week asking if they could push the permitting process ahead and that is when he was told that the contractor was worried about the six (6) month window in case there is a storm.

Mr. Noonan said it sounds like the property was brought into compliance before the compliance date.

Ms. Sanderson reported that Mr. O'Brien dropped off a copy of a proposal from Wilco Construction with Code Officer Ramsey on August 5, 2016, and submitted a hard copy of a contract that was signed on August 28, 2016, which was well after the compliance period.

Mr. Bryant said what Mr. O'Brien is stating is true and accurate in that they do need this time. He said if they have a storm seawall contractors are in very high demand. He felt that the Board should allow the extension. The Board members agreed.

Mr. Pizzichillo felt that Mr. O'Brien was on very solid ground in doing what he is doing. He just wanted to know what the length of time might be.

Mr. O'Brien said that he would be grateful for any extension. He said that he is at the contractor's mercy and he would hope that within 90 days the Contractor would begin the permitting process.

Ms. Sanderson suggested that the Board allow Mr. O'Brien time and issue an Order to pay the civil penalty.

Mr. O'Brien said it was impossible for him to have the permitting done in that it was part of his contract with the contractor. He said that Ms. Sanderson mentioned the date of August 5, 2016, and his records show that he gave the information to Mr. Ramsey on July 29, 2016, which was a Friday. Mr. Ramsey told him that Ms. Sanderson was not in the office that afternoon that he came by and he provided him with the information.

Mr. Ramsey said that he did not recall the date. But, he does remember that it was a Friday and that he gave the information to Ms. Sanderson first thing Monday morning. As far as the date, Ms. Sanderson would know better than him.

Ms. Sanderson said the contract was actually a legal contract when it was signed on August 28, 2016. Before then, it was just a proposal.

Mr. Pizzichillo asked is the question on the floor to waive the \$50 civil penalty.

Ms. Sanderson answered no. She reported that a warning citation was issued with 30 days to comply and then a citation was issued. She is asking for the \$50 civil penalty to remain.

Mr. Pizzichillo felt that Mr. O'Brien was doing his best under the circumstances.

Mr. Pizzichillo made a motion that the Board allows a 90 day extension and in the spirit of working together that they negate the \$50 penalty.

Mr. Coment suggested that they wait to see if the property is brought into compliance.

Mr. Pizzichillo amended his motion that the Board grants the 90 day extension and that this case be brought back at the December 14, 2016 Board meeting. Mr. McDonald seconded the motion and it passed unanimously.

- m. **CASE #16-CE-6967 / 851M**
VIOLATOR: Omar Atway / 2628 U.S.1 Investments, Inc.
VIOLATION: Non-operable vehicles, trailer(s), and golf carts stored on the property. If property is used for business the business requires Site Plan Approval and a Business Tax Receipt
VIOLATION ADDRESS: 2628 U.S.1, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)

This item was pulled from today's agenda.

- n. **CASE #16-CE-6919 / 970M**
VIOLATOR: PennyMac Holdings, LLC / Chris White
VIOLATION: Stagnant swimming pool; weeds, grass undergrowth at a height of more than 12 inches
VIOLATION ADDRESS: 3865 Indian River Drive East, Vero Beach, Florida 32963

Ms. Sanderson reported that service of the citation was provided by posting of the property and by certified return receipt. The property remains in violation and the civil penalty in the amount of \$50 has not been paid. She requested that the Board finds a violation exists and issue a Board Order to pay the initial civil penalty in the amount of \$50 and continuing penalties for the days the property has been in violation.

Mr. Noonan asked is there a cost of enforcement. Ms. Sanderson answered no.

Mr. Pizzichillo said the stagnant swimming pool scares him because of all the different things that could happen. He said this should have been taken care of. He said they need to push the full extent of the law to make these people do what is right by others. To him, waiting 30 days would not be the answer.

Mr. Coment said a lot of times this happens because electricity is turned off and there is no way to run the pool pump.

Mr. Pizzichillo felt there were other ways they could kill larva or mosquitoes by putting something in the water. He said that he would speak to the Code Officers about what they did in New Jersey.

Mr. Coment asked is this property in foreclosure. Ms. Sanderson answered no. She said they have a certificate of title.

Mr. McGann said it states on the citation that the water would need continuous filtration or the pool be covered.

Mr. Coment said this is another case where the Board could issue a Board Order to correct by a date certain and if it is not corrected to start imposing civil penalties. In the meantime, if the Code Officer chooses to see if the City can do something about it they can.

Mr. McDonald asked is it correct they know for a fact that PennyMac Holdings is the property owner. Ms. Sanderson answered yes. She said they have a certificate of title.

Mr. Noonan made a motion that the Board finds there is a violation, the violation continues, and that the Board issues a Board Order to correct by October 11, 2016 at which time a \$50 per day continuing penalty would commence and to pay the initial civil penalty in the amount of \$50. Mr. McGann seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

a. CASE #16-CE-6808 / 943M

VIOLATOR: Leeann Mayes Gothberg and Irene Dineen

VIOLATION: Operating a guest house and transient quarters in a residential zone

VIOLATION ADDRESS: 902 Sandpiper Lane, Vero Beach, Florida 32963

Mr. Coment explained that the Board postponed the hearing on this case because the violators wanted to appeal the interpretation of the Code on the land use regulations. The violators have been given the interpretation and did not appeal. He reported that the civil penalty has been paid on all citations regarding this property, which is an admission of guilt. There is no action by the Board needed as this case is now closed.

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

None

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

None

12. ADJOURNMENT

Today's meeting adjourned at 3:52 p.m.

/sp



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B) 1a.

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6820

MICHAEL R. LUDWIG; CATHY KELLY LUDWIG;
JAMES SHAUNDALE WEBB

Citation No.: 947M

Violator

TO: Michael R. Ludwig; Cathy Kelly Ludwig;
James Shaundale Webb
907 Tropic Drive
Vero Beach, Florida 32963

NOTICE OF HEARING

16425 Country Road
Buena Vista, CO 81211

E-Mail: cathykelly12@bellsouth.net

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Case continued from August Hearing

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

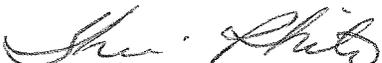
Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this

30th day of September 20 16.


Board Clerk



CITY OF VERO BEACH, FLORIDA
CODE ENFORCEMENT
1053 20TH PLACE
VERO BEACH, FLORIDA 32960
Telephone (772) 978-4550

CITY OF VERO BEACH

vs.

CASE No(s): 16-CE-6820

MICHAEL R. LUDWIG; CATHY KELLY
LUDWIG; JAMES SHAUNDALE WEBB
Violator(s)

Citation No(s): 947M

PUBLIC NOTICE OF CODE VIOLATION

PLEASE TAKE NOTICE that the above-styled code enforcement case is currently pending before the Code Enforcement Board of the City of Vero Beach, Florida regarding the following violations:

OAK TREE REMOVAL WITHOUT PERMIT in violation of section 72.42 of the Land Development Regulations of the City of Vero Beach, Florida, at or on the following described real property:

907 Tropic Drive, Vero Beach, Indian River County, Florida

Lot 13, Block 3 Silver Shores Unit No. 1, according to the Plat thereof as recorded in Plat Book 4, Page 45, Public Records of Indian River County, Florida

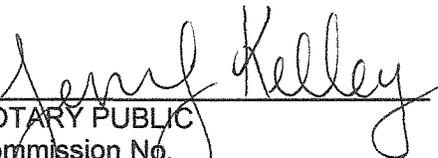
Parcel ID Number of 32-40-29-00001-0030-00013.0.

This Notice is given pursuant to section 2-296(f) of the Code of the City of Vero Beach and pursuant thereto this Notice shall not act as or be a lien on any property and shall not act as a notice of a lien on any property, but shall merely act as public notice of the existence of the violation.

By: 
Melody Sanderson
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

The foregoing Public Notice of Code Violation was acknowledged before me this 29 day of September 2016 by Melody Sanderson, as Code Enforcement Officer, of the City of Vero Beach, Florida. She is personally known to me.


NOTARY PUBLIC
Commission No.
My Commission Expires:

 Jennifer Kelley
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG022293
Expires 6/18/2019



BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 16-CE-6820

vs.

CITATION NO. 947M

**MICHAEL R. LUDWIG; CATHY KELLY LUDWIG;
JAMES SHAUNDALE WEBB**

907 Tropic Drive
Vero Beach, Florida 32963
Email: cathykelly12@bellsouth.net

AND

16425 Country Road 325
Buena Vista, CO 32963

ORDER FINDING VIOLATION AND TO CORRECT

VIOLATIONS: City of Vero Beach Code ("Code") sections 72.42, oak tree removed without permit.
VIOLATION LOCATION: 907 Tropic Drive, Vero Beach, Florida 32963

The above-styled case having come before the Board on the 14th day of September, 2016 on continuation of the requested hearing on appeal of the citation and the Board, having heard the testimony of the officer and violator James Webb on behalf of the violators, and having examined the other evidence presented and the record, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law and the named violators appeared through violator James Webb, who testified on the violators' behalf.
2. The violation of unlawful removal of an oak tree without a tree removal permit, in violation of Code section 72.42 occurred as and at the time and place alleged in the citation and the violation is continuing in nature; the violators are responsible for the violation.
3. It would be appropriate to allow the violators to October 11, 2016 to correct the violation.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

The violators are found to have committed the violation as specified above and on the citation, which violation has not been corrected and is continuing. **The violators shall cause correction of the violation by October 11, 2016** by obtaining the required after-the-fact tree removal permit and mitigating the tree removal by replacement of the tree or payment into the tree mitigation fund pursuant to the applicable Code provisions as administered by the City Planning and Development Department. This case is hereby scheduled for report on correction of the violation as ordered herein on **Wednesday, October 12, 2016, in City Council Chambers, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** The imposition of civil penalties and assessment of costs are reserved at this time.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 21st day of September 2016.

ATTEST:

CODE ENFORCEMENT BOARD



Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA**
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 16-CE-6820

vs.

CITATION NO. 947M

**MICHAEL R. LUDWIG; CATHY KELLY LUDWIG;
JAMES SHAUNDALE WEBB**

907 Tropic Drive
Vero Beach, FL 32963

AND

16425 Country Road 325
Buena Vista, CO 32963

Email: cathykelly12@bellsouth.net

ORDER CONTINUING HEARING

VIOLATIONS: City of Vero Beach Code (“Code”) sections 72.42, oak tree removed without permit.
VIOLATION LOCATION: 907 Tropic Drive, Vero Beach, Florida 32963

The above-styled case having come before the Board on the 10th day of August 2016 on appeal of the citation and the Board, having heard the testimony of the officer and testimony on behalf of the violators, on motion made and approved, found that in light of the violators’ dispute of the condition of the subject oak tree when it was removed, it would be appropriate to continue this hearing to allow the violators additional time to have an arborist confirm their defense to the required mitigation that the tree was dead or dying when removed;

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

This appeal hearing on the citation is continued to **Wednesday, September 14, 2016 at 2:00 P.M.** in City Council Chambers, 1053 20th Place, Vero Beach, Florida 32960 to allow the violators time to obtain certification from a licensed professional arborist of the condition of the subject oak tree at the time it was removed and submit such certification to the City Planning & Development Department and the code enforcement officer for review and consideration as to applicable mitigation requirements.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:

CODE ENFORCEMENT BOARD



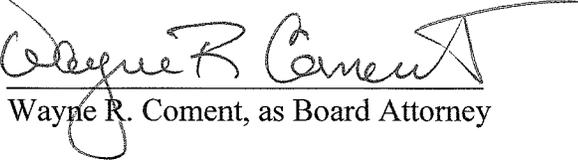
Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:


Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 to request re-inspection or otherwise confirm compliance in order to avoid imposition of additional civil penalties against you.

Cathy Kelly Ludwig
907 Tropic Drive
Vero Beach, FL 32963



July 13, 2016

Vero Beach Police Department
Code Enforcement
1055 20th Street
Vero Beach, FL 32963

This letter is in response to your notice concerning the removal of two palm trees and one oak tree from our property.

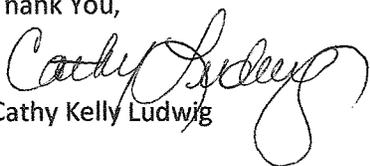
The two palm trees were the result of seedlings blown on our property or perhaps from birds. None the less, it was an unwanted plant. The placement of these trees were next to established palm trees and encroaching on their space. The two trees could not thrive together in the same space.

The oak tree had been pruned many times. But now the limbs were covering the house. With hurricane season here, it was decided to take down the tree to prevent roof damage in the event of a storm. The limbs were intertwined in our above ground electrical lines. Upon further inspection, the tree had termites eating it, hollowing it out. Currently there are seven oak trees, three palm trees and ten bamboo trees along with numerous bushes in the back yard.

I have been told by Code Enforcement that pictures were taken proving a thriving tree. The picture taken was of branches which did not verify the damage.

I do not feel that this violation is justified.

Thank You,


Cathy Kelly Ludwig

*I wish to request a hearing to appeal
the citation. Kelly*



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

CODE ENFORCEMENT CITATION

**AMENDED CITATION
No. 947M / 16-CE-6820**

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on June 27, 2016 at n/a

Name: **Ludwig, Michael R & Kelly, Cathy E, Webb, James Shaundale**
907 Tropic Dr
of: **Vero Beach, FL 32963**

at (violation address): 907 Tropic Drive in the City of Vero Beach, Florida committed the following civil offense: Oak tree removed without a permit.

Violation of code provision(s): 72.42

Facts constituting violation: Oak tree removed without a permit. After-the-Fact Tree Removal permit must be obtained from the Planning Department at City Hall and tree removed will need to be mitigated.

CIVIL PENALTY: \$250.00

PAY BY DATE: 08/02/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 08/02/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD Code Enforcement

Date Issued: 07/18/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

OFFICER COPY - 16-000888

Certified Mail Receipt: 70150640000696528317



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)1b

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6601

B. ANDERS NYQUIST
 Violator

Citation No.: 0965T

TO: B. Anders Nyquist
1805 19th Place
Vero Beach, Florida 32960

NOTICE OF HEARING

1715 19th Street
Vero Beach, Florida 32960

Email: andersnyquist@gmail.com

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 30th day of September 20 16.


Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 16-CE-6601

vs.

CITATION NO. 0965T

**B. ANDRES NYQUIST as Trustee
of the Irrev. H. Nyquist Trust UAD 5-9-83
1805 19th Place #100
Vero Beach, FL 32960**

AND

1715 19th Place
Vero Beach, FL 32960

ORDER GRANTING REQUEST FOR REHEARING

VIOLATION: Vero Beach Code sec. 22-106(a), construction without building permits/ approvals.
LOCATION: 1715 19th Street, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 14th day of September 2016 on request of the violator for a rehearing in this case and the code enforcement officer advising the Board of having no objection, on motion made and approved, the Board found that it would be appropriate to grant such rehearing.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD:

A rehearing in this case on the code enforcement officer's request for a Board order to correct violations is hereby scheduled for **Wednesday, October 12, 2016 at 2:00 P.M. in City Council Chamber, City Hall, 1053 20th Place, Vero Beach, Florida 32960.**

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 21st day of September 2016.

ATTEST:



Sherri Philo, as Board Clerk

CODE ENFORCEMENT BOARD



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 0965T / 16-CE-6601

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on April 25, 2016 at N/A

Name: **B. Anders Nyquist**
1805 19th Place
of: **Vero Beach, FL 32960**

ORIGINAL

at (violation address): 1715 19th St in the City of Vero Beach, Florida committed the following civil offense: (a) Building permit. A permit shall be obtained from the building official before doing any work or construction of any character, whether permanent or temporary, when a permit is required under the building code.

Violation of code provision(s): 22-106(a)

Facts constituting violation: Construction on site without permits or approvals as required by City and County Code. Please Cease all construction related activities until appropriate Permits and Approvals have been obtained. Please arrange for permitting and remit civil penalty on or before 5/12/2016.

CIVIL PENALTY: \$50.00

PAY BY DATE: 05/12/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 05/12/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Tom Ramsey
Department: VBPD/Code Enforcement

Date Issued: 04/26/2016
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000542

Certified Mail Receipt: 70140150000165023643

ORIGINAL



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 16-CE-6601

vs.

CITATION NO. 0965T

**B. ANDRES NYQUIST as Trustee
of the Irrev. H. Nyquist Trust UAD 5-9-83
1805 19th Place #100
Vero Beach, FL 32960**

AND

1715 19th Place
Vero Beach, FL 32960

**ORDER TO CORRECT VIOLATION, TO PAY CIVIL PENALTY
AND COSTS, AND ESTABLISHING CONTINUING PENALTIES**

VIOLATION: City of Vero Beach Code sec. 22-106(a), construction without building permits/ approvals.

LOCATION: 1715 19th Street, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of August 2016 on request of the code enforcement officer for an order to correct violations and the Board, having heard report of the code enforcement officer regarding the violation having not been fully corrected and having reviewed the record in this case, on motion made and approved, found that:

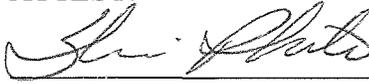
1. The citation and notice of hearing issued in this case were served as provided by law; however the violator has failed to appear in this enforcement action before the Board.
2. The violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver of hearing is deemed an admission of the violations specified in the citation.
3. The violations have not been corrected and the initial civil penalty assessed on the citation has not been paid.
4. The City has incurred enforcement costs of \$44.37, which costs the City is entitled to recover together with all costs of recording the Board's orders in the public records and for preparing and recording releases of the resulting liens upon payment.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD:

The violator is deemed to have committed the violations as specified above and on the citation, which violations have not been fully corrected and are continuing. **The violator shall correct all violations by September 14, 2016 by obtaining all after-the-fact building permits/approvals**

required for the work on the property, and shall pay to the City Clerk, within 30 days from the date of this Order, the initial civil penalty of **\$50.00** assessed on the citation and costs of enforcement of **\$44.37**, together with all costs of recording the Board's orders in the public records and costs of satisfying and recording release of the resulting lien upon payment. A **continuing civil penalty of \$50.00 per day for each day the violations remain uncorrected after September 14, 2016** is hereby established.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:


Sherri Philo, as Board Clerk

CODE ENFORCEMENT BOARD


Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:


Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS, OR FOR ADDITIONAL INFORMATION, YOU MUST CONTACT THE CODE ENFORCEMENT OFFICER by Telephone 772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording and other costs required to satisfy this order and lien after the violations are corrected. Payment may be made in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order for the verified amount to said address, payable to "City of Vero Beach." Do not mail cash!

Repeat Violation: Repeat violation of the same Code provision by the violator, even if committed at a different location, can result in the issuance of a code enforcement citation and assessment of increased civil penalties for the repeat offense.

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board **and** with the Clerk of the Circuit Court, together with the applicable court filing fees, within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. Ref. F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)1c

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6879

MAXWELL PROPERTIES, INC.
 Violator

Citation No.: 963M

TO: Maxwell Properties, Inc.
920 Truman Street
Sebastian, Florida 32958

NOTICE OF HEARING

1146 21st Street
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Case continued from August Hearing

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

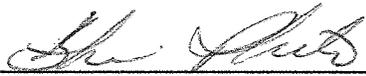
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 30th day of September 20 16.


Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 16-CE-6879

vs.

CITATION NO. 963M

MAXWELL PROPERTIES, INC.

920 Truman Street
Sebastian, Florida 32958

AND

1146 21st Street
Vero Beach, Florida 32960

**ORDER TO CORRECT VIOLATIONS
AND SETTING HEARING ON COMPLIANCE**

VIOLATION: Vero Beach Code sec. 38.32(a)(1), unlicensed, non-operable vehicles, motors, and parts on the property; sec. 64.11(d), failure to maintain site plan (landscaping).

LOCATION: 1146 21st Street, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 14th day of September 2016 on request of the code enforcement officer for a Board order to correct violations and the Board, having heard the testimony of the officer and the violator and having examined other evidence presented regarding the violations, and having reviewed the record in this case, on motion made and approved, found that:

1. The citation issued in this case was served as provided by law, however the violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver of hearing is deemed an admission of the violations as specified in the citation.
2. The notice of this hearing was issued and served as provided by law and the violator representatives appeared and testified.
3. The violations specified in the citation have not been fully corrected and the civil penalty assessed on the citation has not been paid.
4. It would be appropriate to allow the violator additional time to complete correction of the violations.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

The violator is deemed to have committed the violations as specified above and on the citation and the violations are continuing. The violator shall correct all of the cited violations by the Board's next meeting on **October 12, 2016**. This case is hereby scheduled for hearing regarding compliance with this Order on **Wednesday, October 12, 2016 at 2:00 P.M. in City Council Chambers, City Hall, 1053 20th Place, Vero Beach, Florida 32960.**

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 21st day of September 2016.

ATTEST:

CODE ENFORCEMENT BOARD



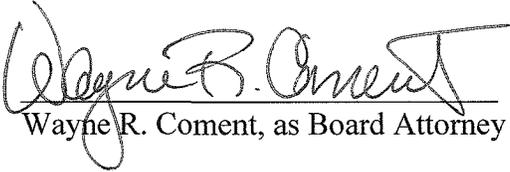
Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.

Correction of Violations: **AFTER CORRECTING THE VIOLATIONS, OR FOR MORE INFORMATION, YOU MUST CONTACT THE CODE ENFORCEMENT OFFICER** at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording and other costs required to satisfy this order and lien. Payment may be made in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order for the verified amount to said address, payable to "City of Vero Beach." Do not mail cash!



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

CODE ENFORCEMENT CITATION

No. **963M / 16-CE-6879**

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **July 21, 2016** at **n/a**

Name: **Maxwell Properties Inc,**
920 Truman St
of: **Sebastian, FL 32958**

at (violation address): **1146 21st Street** in the City of Vero Beach, Florida committed the following civil offense: **Public Nuisance - Unlicensed, non operable vehicles, motors and parts on the north side of the property. Failure to maintain site plan (landscaping) plants along US 1 are dead.**

Violation of code provision(s): **38.32 (a) (1), 64.11 (d)**

Facts constituting violation: **Public Nuisance - Unlicensed, non operable vehicles, motors and parts on the north side of the property. Failure to maintain site plan (landscaping) - plants along US 1 are dead.**

CIVIL PENALTY: \$50.00

PAY BY DATE: 08/05/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/29/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD Code Enforcement

Date Issued: 07/21/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000994

Certified Mail Receipt: 70140150000165021441

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)1d

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6703

SHANE WRIGHT & TARA LYNN WRIGHT
 Violator

Citation No.: 923M

TO: Shane Wriget & Tara Lynn Wright
2616 Laurel Drive
Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 30th day of September 2016.


Board Clerk

- e. **CASE #16-CE-6810 / 1030T**
VIOLATOR: Indian River Investment Realty, Inc.
VIOLATION: Termite infestation; boat in front yard without a trailer; new fence installed without City of Vero Beach Planning and Development approval or Indian River County Building Department approval
VIOLATION ADDRESS: 1125 17th Place, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- f. **CASE #16-CE-6806 / 942M**
VIOLATOR: Devi P. Samal and Snigdha Sahu
VIOLATION: Weeds, grass, and undergrowth at a height of more than 12 inches
VIOLATION ADDRESS: 2065 39th Avenue, Vero Beach, Florida 32960
(Repeat Violation – \$100 Civil Penalty)

Ms. Sanderson reported that service of the citation was provided by posting the property. The violation has been corrected as of July 13, 2016 and the civil penalty in the amount of \$100 has not been paid. She requested that the Board issue a Board order to pay the civil penalty in the amount of \$100. There is no cost of enforcement.

Mr. Noonan made a motion that the Board finds there was a violation, the violation has been corrected and that the Board issue a Board order to pay the civil penalty in the amount of \$100. Mr. Pizzichillo seconded the motion and it passed unanimously.

- g. **CASE #16-CE-6703 / 923M**
VIOLATOR: Shane and Tara Lynn Wright
VIOLATION: Windows installed without a permit
VIOLATION ADDRESS: 2616 Laurel Drive, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)

Ms. Sanderson explained to Mr. Wright that all he needed to do was finalize his permit. She then pulled this case from today's agenda.

- h. **CASE #16-CE-6831 / 949M**
VIOLATOR: Virginia O'Neil
VIOLATION: Two single family structures on the property have been converted to four units without approval from the City of Vero Beach Planning and Development Department or permits from the Indian River County Building Department
VIOLATION ADDRESS: 2315 15th Avenue, Vero Beach, Florida 32960
(Paid \$50 Civil Penalty)



VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
 1055 20th Street
 Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 923M / 16-CE-6703

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on June 02, 2016 at 10:35 am

Name: **Wright, Shane and Tara Lynn**
2616 Laurel Dr
 of: **Vero Beach, FL 32960**

ORIGINAL

at (violation address): **2616 Laurel Drive** in the City of Vero Beach, Florida committed the following civil offense: Windows installed without permit from the Indian River County Building Department.

Violation of code provision(s): 22-106, 22-181

Facts constituting violation: Windows installed without permit - permit must be applied for, issued and finalled by 7/1/16.

CIVIL PENALTY: \$50.00

PAY BY DATE: 06/20/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/01/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
 Department: VBPD/Code Enforcement

Date Issued: 06/03/2016
 Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

 Signature of Individual

Date: _____

CLERK COPY - 16-000724

Certified Mail Receipt: 70151730000072949056



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-8)1e

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6831

VIRGINIA O'NEILL
 Violator

Citation No.: 949M

TO: Virginia O'Neill
6 Griffin Avenue
Londonderry, NH 03054-3916

NOTICE OF HEARING

2315 15th Avenue
Vero Beach, Florida 32960

Mr. Fred Kretschmer, Attorney
1443 20th Street, Suite A
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this

30th day of September 20 16.


Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA**
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 16-CE-6831

vs.

CITATION NO. 949M

VIRGINIA O'NEILL (TR)

6 Griffin Avenue
Londonderry, NH 03054-3916

AND 2315 15th Avenue
Vero Beach, Florida 32960

ORDER CONTINUING HEARING

VIOLATIONS: City of Vero Beach Code ("Code") sections 64.05, 22-106(a)(b)(c); 22-181; two single family structures converted into four units without development approval or building permits.

VIOLATION LOCATION: 2315 15th Avenue, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of August 2016 on request of the code enforcement officer for a Board order and the Board, having heard report of the officer and a request for a hearing continuance by the violator's attorney, Mr. Fred Kretschmer, on motion made and approved, found that in light of the circumstances, it would be appropriate to continue this hearing to allow the violator additional time to investigate the history regarding the subject property;

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

This hearing is continued to **Wednesday, October 12, 2016 at 2:00 P.M.** in City Council Chambers, 1053 20th Place, Vero Beach, Florida 32960.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 31st day of August 2016.

ATTEST:

CODE ENFORCEMENT BOARD



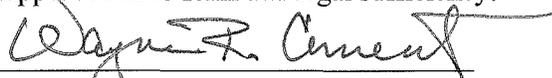
Sherri Philo, as Board Clerk



Kirk Noonan, Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

Cc: Fred Kretschmer, Esq.
1443 20th Street, Suite A
Vero Beach, FL 32960

IMPORTANT INFORMATION

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.

h. CASE #16-CE-6831 / 949M

VIOLATOR: Virginia O'Neil

VIOLATION: Two single family structures on the property have been converted to four units without approval from the City of Vero Beach Planning and Development Department or permits from the Indian River County Building Department

VIOLATION ADDRESS: 2315 15th Avenue, Vero Beach, Florida 32960

(Paid \$50 Civil Penalty)

Ms. Sanderson reported that the property was advertised for sale as a quadplex. An anonymous complaint through the County was forwarded to the Code Enforcement office as it was not permitted to be a quadplex, that it was two single family units that was converted without permits or Code compliance. The real estate agent met with the Planning and Development Department explaining that the property has been that way since they purchased it, that they don't know when it was converted. It was recommended that they research through the Building Department to find out if there were ever any permits issued. It was also noted by the Planning and Development Department that the lot size does not support four (4) units so it would need to be converted back to two (2) units. The civil penalty in the amount of \$50 has been paid.

Mr. Fred Kretschmer, Attorney, said that he was present today representing the property owner, Ms. Virginia O'Neil. He requested a 60-day continuance of this hearing in order to give him time to do some research. He reported that the property was part of the Original Town of Vero and there are two (2) buildings on the property. The first building was constructed in 1900 and is a one-story structure. The second building was constructed in 1940 and is a two-story structure. Ms. O'Neil purchased the property in 1987, which at that time it was a four (4) unit property that was advertised and utilized as an income producing four (4) unit property. Ms. O'Neil has used it as an income producing four (4) unit property from 1987 through today's date. In fact, some of the tenants have been there for 20-years. What they are trying to determine was when it became a four (4) unit property. He was certain that it is not in compliance with the current Code or current Building Department requirements, but the question is was it in compliance when the changes were made. He said that he was retained two (2) days ago and requested that the Board grant them a 60-day continuance in order for him to do some research.

Mr. Noonan made a motion that the Board grants a continuance to the October 12, 2016 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. **949M / 16-CE-6831**

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH, City of Vero Beach

Receipt No: 24328000022

Jul 13 2016 16:49

Acct No:

Amount on Acct: \$50.00

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **June 29, 2016 at 10:20 an**

CITY OF VERO BEACH
UTILITIES
JUL 14 2016

Name: **O'neil, Virginia (tr)***
6 Griffin Ave
of: **Londonderry, NH 03054-3916**

at (violation address): **2315 15th Avenue** in the City of Vero Beach, Florida committed the following civil offense: **PERMITS REQUIRED - Two single family structures on property have been converted to four units without approval from the City of Vero Beach Planning Department or permits from the Indian River County Building Department.**

Violation of code provision(s): 64.05, 22-106 (a) (b) (c), 22-181

Facts constituting violation: PERMITS REQUIRED - Two single family structures on property have been converted to four units without approval from the City of Vero Beach Planning Department or permits from the Indian River County Building Department. Approval must be obtained from the Planning Department and permits obtained from the Building Department.

CIVIL PENALTY: \$50.00

PAY BY DATE: 07/11/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 07/11/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPB Code Enforcement

Date Issued: 06/30/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000907

Certified Mail Receipt: 70151730000072949292

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)IF

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6869

BARBARALEE MONDAY
 Violator

Citation No.: 1044T

TO: Barbaralee Monday
811 Gayfeather Lane
Vero Beach, Florida 32963

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

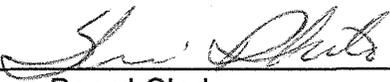
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this

30th day of September 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 1044T / 16-CE-6869

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on July 14, 2016 at N/A

Name: **Monday, Barbaralee**
811 Gayfeather Ln
of: Vero Beach, FL 32963-2048

ORIGINAL

at (violation address): 311 Gayfeather in the City of Vero Beach, Florida committed the following civil offense: (a)
In addition to the public nuisances described in section 38-31, the unsheltered storage of the following items is hereby declared to be unlawful and thereby prohibited:

- (1) Stripped, junked, inoperable, or unlicensed motor vehicles or boats, trailers of any description, or parts thereof;
- (2) Stripped, junked, or inoperable machinery, furniture, or appliances, or parts thereof; and
- (3) Building materials, unless such materials are stored on site pursuant to an approved and current building permit.

Violation of code provision(s): 38-32 (a)

Facts constituting violation: Excessive unstored debris at side of home to include ladders, cinderblocks, lawn furniture, etc. Please comply and remit civil penalty on or before 9/02/2016.

CIVIL PENALTY: \$50.00

PAY BY DATE: 09/02/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 09/02/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Ramsey
Department: VBPD Code Enforcement

Date Issued: 08/17/2016
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000973

Certified Mail Receipt: 70150640000696527822

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)lg

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-7003

DANIEL L. HENDRICKSON & DEIDRE LYNNE VANOVER
 Violator

Citation No.: 979M

TO: Daniel L. Hendrickson & Deidre Lynne Vanover
8936 101st Court
Vero Beach, Florida 32967

NOTICE OF HEARING

1242 17th Place
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 30th day of September 20 16.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
1055 20th Street
Vero Beach, FL 32960**

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

City of Vero Beach
Receipt No: 24715000004
CODE ENFORCEMENT CITATION
SEP 09 2016 16:06
Acct No:
Amount on Acct: \$50.00

CODE ENFORCEMENT CITATION

No. 979M / 16-CE-7003

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **September 01, 2016** at **n/a**

Name: **Hendrickson, Daniel L & Vanover, Deidre Lynne**
8936 101st Ct
of: **Vero Beach, FL 32967**

CITY OF VERO BEACH
UTILITIES

SEP 09 2016

at (violation address): **1242 17th Place** in the City of Vero Beach, Florida committed the following civil offense: **Fence installed without Code Compliance or building permit.**

PAID
9/9/2016

Violation of code provision(s): 64.05. 22-106 (a)

Facts constituting violation: Based upon a complaint of an unpermitted fence installed I checked the above referenced property and observed a new fence. The fence requires Code Compliance from the at City Hall and once received a building permit must be obtained from the Indian River County Building Department.

CIVIL PENALTY: \$50.00

PAY BY DATE: 09/21/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 09/21/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD Code Enforcement

Date Issued: 09/06/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-001203

Certified Mail Receipt: 70151730000072949476

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)1h

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-7008

JOSHUA JORDAN – CHEF JORDAN CUISINE AND CATERING
 Violator

Citation No.: 1048T

TO: Joshua Jordan – Chef Jordan Cuisine and Catering
1615 U.S.1
Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach (“Board”) regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board’s authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 30th day of September 2016.


Board Clerk



VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 1048T / 16-CE-7008

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on September 07, 2016 at N/A

ORIGINAL

Name: **Joshua Jordan- Chef Jordan Cuisine and Catering**
1615 US Hwy 1
of: **Vero Beach, FL 32960**

at (violation address): 1615 Us Highway 1 in the City of Vero Beach, Florida committed the following civil offense: (a) A business tax for the privilege of engaging in or managing any business, profession or occupation within the city is hereby imposed and levied upon:

(1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within its jurisdiction:

Violation of code provision(s): 70-62 (a) (1)

Facts constituting violation: Operation of business without an active Business Tax Receipt required by COVB ordinance. Please obtain license/tax receipt and remit payment for civil penalty on or before 9/16/2016.

CIVIL PENALTY: \$50.00

PAY BY DATE: 09/16/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 09/16/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Ramsey, Tom
Department: VBPD Code Enforcement

Date Issued: 09/07/2016
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-001208

Certified Mail Receipt: 70150640000696527860

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)11

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6988

821 DAHLIA, LLC - C/O KITE TAX LIEN CAPITAL, LLC
 Violator

Citation No.: 975M

TO: 821 Dahlia, LLC – c/o Kite Tax Lien Capital, LLC
2055 U.S.1
Vero Beach, Florida 32960

NOTICE OF HEARING

821 Dahlia Lane
Vero Beach, Florida 32963

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach (“Board”) regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board’s authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 30th day of September 20 16.


Board Clerk



VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
 1055 20th Street
 Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

AMENDED CITATION
No. 975M / 16-CE-6988

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **August 27, 2016** at **n/a**

Name: **821 Dahlia LLC c/o Kite Tax Lien Capital LLC**
2055 US Highway 1
 of: **Vero Beach, FL 32960**

at (violation address): **821 Dahlia Lane** in the City of Vero Beach, Florida committed the following civil offense: **Protected Palm trees (5) removed without a permit.**

Violation of code provision(s): 72.344 (a) (b) (c)

Facts constituting violation: After -the-Fact permit must be obtained from the Planning Department at City Hall.

CIVIL PENALTY: \$1,250.00 **PAY BY DATE: 09/13/2016** **REPEAT VIOLATION**

✓ **CORRECTION REQUIRED BY: 09/13/2016. This is a correctable violation and must be corrected by the date specified.** Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
 Department: VBPD Code Enforcement

Date Issued: 08/29/2016
 Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

 Signature of Individual

Date: _____

CLERK COPY - 16-001167

Certified Mail Receipt: 70151730000072949483



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)1J

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-7034

MAXWELL PROPERTIES INC., / JAMES R. MAXWELL
 Violator

Citation No.: 984M

TO: Maxwell Properties, Inc. / James R. Maxwell
920 Truman Street
Sebastian, Florida 32958

NOTICE OF HEARING

1146 21st Street
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: _____
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this _____ 30th day of September _____ 20 16.

Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
1055 20th Street
Vero Beach, FL 32960**

CODE ENFORCEMENT CITATION

No. 984M / 16-CE-7034

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on September 13, 2016 at n/a

Name: **Maxwell Properties Inc, James R Maxwell, Agent**
920 Truman St
of: **Sebastian, FL 32958**

at (violation address): **1146 21st Street** in the City of Vero Beach, Florida committed the following civil offense: **Site Plan Approval required for new and/or additions to outdoor storage.**

Violation of code provision(s): 64.06 (8) (h)

Facts constituting violation: New and existing businesses on-site require site plan approval for repair, sale and storage of vehicles, equipment and supplies.

CIVIL PENALTY: \$100.00

PAY BY DATE: 09/28/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 09/28/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD Code Enforcement

Date Issued: 09/13/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-001243

Certified Mail Receipt:

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)1K

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-7033

MAXWELL PROPERTIES INC., / JAMES R. MAXWELL
 Violator

Citation No.: 983M

TO: Maxwell Properties, Inc. / James R. Maxwell
920 Truman Street
Sebastian, Florida 32958

NOTICE OF HEARING

1146 21st Street
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 30th day of September 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. **983M / 16-CE-7033**

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **September 13, 2016** at **n/a**

Name: **Maxwell Properties Inc, James R Maxwell, Agent**
920 Truman St
of: **Sebastian, FL 32958**

at (violation address): **1146 21st Street** in the City of Vero Beach, Florida committed the following civil offense:
Construction of fuel tank enclosure without Code Compliance or building permit.

Violation of code provision(s): 22-106 (a), 22-181.64.05

Facts constituting violation: After-the-Fact Code Compliance must be obtained from the Planning Department at City Hall and After-the-Fact permit from the IRC Building Department.

CIVIL PENALTY: \$50.00

PAY BY DATE: 09/28/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 09/28/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD Code Enforcement

Date Issued: 09/13/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-001242

Certified Mail Receipt:

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4640

5-B)1L

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-7029

HORNER XPRESS – JORDAN
 Violator

Citation No.: 1056T

TO: Horner Xpress – Jordan
1680 Old Dixie Highway
Vero Beach, Florida 32960-3657

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: October 12th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

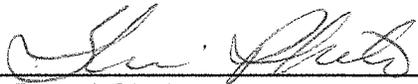
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

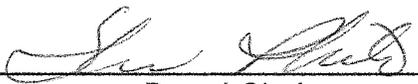
Date: September 30, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this

30th day of September 20 16.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 1056T / 16-CE-7029
AMENDED

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on September 09, 2016 at N/A

ORIGINAL

Name: **Horner Xpress- Jordan**
1680 Old Dixie Highway
of: **Vero Beach, FL 32960-3657**

at (violation address): 1680 Old Dixie Hwy in the City of Vero Beach, Florida committed the following civil offense: (e) Continuing maintenance required. Failure to comply with and to continually maintain all elements of an approved site plan, including required landscaping, appearance, and other site development features, shall be a violation of this Code and subject to fines and penalties as provided for in this Code.

Violation of code provision(s): 64.11(e)

Facts constituting violation: Please arrange to meet with COVB Planning Department Planner Lafferty to discuss continuous maintenance of site plan to include landscape buffering, etc. Failure to comply may result in additional code enforcement action. Correction date is 9/19/2016.

CIVIL PENALTY: \$50.00

PAY BY DATE: 09/27/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 09/19/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Ramsey
Department: VBPD Code Enforcement

Date Issued: 09/12/2016
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-001237

Certified Mail Receipt: 70153010000217360811

ORIGINAL

7-A)

**PROCEDURAL AND LEGAL CONCEPTS
AFFECTING CODE ENFORCEMENT BOARD HEARINGS**

QUASI-JUDICIAL PROCEEDINGS: Hearings before the Board are “quasi-judicial” in nature because they impact identifiable persons and their rights and interests. In the case of code enforcement actions, those persons are the named Violator(s) and the City. In addition, the Board’s findings and decisions amount to governmental *application* of established policy (e.g, Code provisions) rather than policy *setting* by the government, requiring treatment pursuant to quasi-judicial procedures. Due to this impact on the rights and interests of the persons involved, both the Violator and the City are entitled to a fair and impartial Board to hear and decide their case. Board members sit somewhat as a jury panel in determining the factual issues and then applying the established Code provisions to those facts in deciding each case. Therefore, Board members must go into each hearing with an open mind and base their decisions only on the “competent substantial evidence” and the law presented during the quasi-judicial hearing.

EX PARTE COMMUNICATIONS: Ex parte communications are any communications, whether spoken, written, electronic, or observation, received, performed, or provided by a Board member related to a particular case that is outside of a duly noticed hearing before the Board. Board members should disclose all ex parte communications that may have occurred, including but not limited to site visits; emails/letters received; etc. – there should be NO discussions about the case with any Officer, witness, or Violator except at the Board hearing on the case. Even inadvertent contact should be disclosed. The Violator or their attorney and the Officer or Prosecutor has the right to inquire of any Board member about such communications. The Chair controls such questioning and shall determine if any question is irrelevant or immaterial.

DUE PROCESS: Due process of law means the conduct of legal proceedings according to established rules and principles for the protection and enforcement of private rights, including the right to notice and the right to a fair hearing before an impartial tribunal or other body with the power to decide the case. This is important in the context of code enforcement because should the Violator be found to have committed a violation or is continuing to violate a Code provision, they are subject to the taking of their property (e.g. money or other loss of property!) by the government. Therefore, quasi-judicial hearings and code enforcement proceedings generally, such as the hearings conducted by the Board and the code enforcement actions instituted by the City through its code enforcement officers, require that procedural due process requirements be met. Court decisions indicate that a quasi-judicial hearing and enforcement process generally meets basic due process requirements if the parties are provided notice of a violation, notice of any hearing, and an opportunity to be heard. The parties must also be able to present evidence and to cross-examine witnesses.

WITNESSES / OATH: Each witness may be sworn individually at the time of his or her testimony or all witnesses in a case may be sworn as a group. Witnesses may affirm rather than “swearing” to tell the truth. Attorneys need not be sworn unless they intend to testify as a fact witness or as a qualified expert witness. Unsworn statements and arguments are not competent substantial evidence and may not be relied on to form the basis for Board action.

WITNESS CROSS-EXAMINATION: After each witness testifies, any Board member, the Board attorney, the Violator or their attorney, or the Officer/Prosecutor must be permitted to question the witness. The Chair controls such cross-examination and determines if any question is irrelevant or immaterial. The questioning party is not permitted to make any statement or rebuttal at that time. Cross-

examination is generally limited to questions that are directly related to the testimony and evidence already presented on the record.

EXHIBITS AND OTHER TANGIBLE EVIDENCE: To be considered by the Board in making its decision, all backup materials, physical evidence, and exhibits presented or referred to during the hearing must be made part of the hearing record on the case and remain in the custody of the Clerk.

COMPETENT SUBSTANTIAL EVIDENCE: The formal judicial “rules of evidence” do not apply in code enforcement proceedings, however, hearings before the Board being “quasi-judicial” in nature because they directly affect the rights of the parties involved, must be supported by “competent substantial evidence.” “Competent substantial evidence” is defined by the Florida Supreme Court “...as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. We have stated it to be such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. The evidence relied on to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. To this extent the “substantial” evidence should also be ‘competent.’”

PROSECUTION CASE: Any unsworn opening statement by a City prosecutor is not considered competent substantial evidence. The City’s case includes the Officer's sworn testimony regarding the description and nature of the violation and background information, including presentation of other evidence supporting the issuance of the citation and evidencing the commission of the cited violation, and the continuing nature of the violation, if applicable. The Officer should make recommendation or request as to the Board's findings and ruling, including any request for an order to correct and setting of a civil penalty or assessment of civil penalties and administrative/prosecution costs. (NOTE: The citation, written reports, summaries, affidavits, documentary evidence, and related backup materials should be submitted to the Board for consideration and entered into the record). The Violator or the Violator’s attorney has the right to cross-examine the Officer and all other prosecution witnesses.

DEFENSE CASE: This is the opportunity for the Violator to testify regarding the alleged violation, including description of the basis for appeal if the hearing is to contest the issuance of the citation. The Violator can also provide background information, and analysis that includes any defenses to the alleged violation and issuance of the citation, and other evidence supporting the Violator's defenses. (NOTE: The Violator has the right to testify and the right to NOT testify, thus the Violator should be advised by the Chair of such rights). In all other cases, even where the Violator has technically waived a hearing on the citation due to a failure to timely request a hearing, which waiver is an admission of the violation (or they paid the civil penalty which is also such an admission), the Violator is still entitled to an opportunity to be heard on the issues or Officer request that may be before the Board for consideration. The Violator or their attorney may also make specific request of the Board for certain action. The Officer or the Prosecutor has the right to cross-examine the Violator and any other defense witnesses that testify.

REBUTTAL CASE:

BY CITY: Rebuttal by the prosecution is limited to introduction of additional testimony and other evidence that is intended to explain, refute, counteract, or disprove testimony or other evidence introduced by the Violator. The City’s rebuttal case is *not* for presentation of new matters not raised by the Violator in the Violator’s case in chief, nor is it to simply repeat testimony or other evidence already presented by the Officer or other witness. Cross-examination is to be permitted as noted above.

BY VIOLATOR: Rebuttal by the Violator is limited to introduction of additional testimony and other evidence that is intended to explain, refute, counteract, or disprove testimony or other evidence introduced by the City in its *rebuttal* case. Violator's rebuttal is *not* for presentation of new matters not raised by the City in its rebuttal presentation.

CLOSING STATEMENTS AND ARGUMENTS: This is the final opportunity for each party to summarize their presentation and tell the Board what findings they are requesting the Board to make based on the testimony and evidence and what action they want taken by the Board. The Board may inquire of each party for clarification as to what findings and action is being requested.

BOARD DELIBERATION AND ACTION: At conclusion of the arguments, the Board must consider only the competent substantial evidence introduced at the hearing or otherwise made a part of the hearing record. In determining the appropriate decision in a citation appeal case, the Board must apply the Code sections alleged in the citation to be violated to the facts the Board finds established in the hearing record.

The determination of the Board, for purposes of a properly brought code enforcement citation appeal, is limited to fact-finding as to: (1) whether or not the violation alleged did occur or exists and, if so; (2) whether the person or entity named in the citation is responsible for that violation. The findings and determination of the Board are to be based on a "preponderance of the evidence" or, in other words, the Board must base its decision on the "greater weight of the evidence" and *not* on a "reasonable doubt" standard as in a criminal case. If the Board finds after a citation appeal hearing that the Violator is responsible for a correctable violation, the Board is required to determine a reasonable time period within which correction of the violation must be made, as determined by the following considerations: (1) fairness; (2) practicality; (3) ease of correction; (4) ability to correct; (5) severity of the violation; (6) nature, extent and probability of danger or damage to the public; and (7) any other relevant factors relating to the reasonableness of the time period allowed for correction being prescribed by the Board. Pursuant to the Code, the Board is not to allow more than 30 days for correction unless the Board determines that a longer time period is reasonable and necessary based on the evidence presented. If the Board finds that the Violator is not responsible for the violation alleged in the code enforcement citation, the Violator cannot be liable for the payment of any civil penalty or costs (absent reversal on appeal).

When the decision of the Board after a hearing on a contested citation is to find the Violator responsible for the violation (or in any other case where action is taken by the Board requiring an order be issued), there are certain elements that are required to be in the Board's written order. For appellate purposes, the Board's written order in each case should match the motion adopted by the Board, which motion serves as the Board's oral pronouncement at the hearing. Therefore, it is extremely important that the motion made by a Board member and subsequently approved by the Board specify the Board's findings and action and address all elements required to be in the Board's orders.

In particular, the motion should contain full and clear pronouncement on the record of the following: (1) the Board's finding as to whether or not the violation alleged did occur or exists and, if so; (2) whether the Violator named in the citation is responsible for the violation; (3) the civil penalty imposed for the initial violation, if any; (4) any costs and expenses of the enforcement action or hearing being assessed; (5) the date by which the violation must be corrected to prevent imposition of continuing penalties, if applicable; and the amount of continuing daily penalty to be assessed should the violation not be corrected as ordered. Other matters may need to be included in the motion on a case by case basis.

QUASI-JUDICIAL HEARING BEFORE CODE ENFORCEMENT BOARD

I. CASE PRELIMINARY MATTERS

- (a) Chairman (or clerk) calls the case by case number and violator name.
- (b) Disclosure by Board members of ex parte communications, if any (including site visits).
[If any ex parte communications—give parties opportunity to inquire of the Board member].
- (c) Swearing of witnesses by Clerk. (Attorneys need not be sworn unless testifying as fact witness).

II. PROSECUTION CASE BY CITY (Code Enforcement Officer / Prosecutor)

- (a) Opening statement, if any
- (b) Testimony by Officer and other witnesses; introduction of other evidence.
(Cross-examination by Violator and Board/Board Attorney allowed of each witness)

III. DEFENSE CASE BY VIOLATOR (Named Violator / Violator's Attorney/representative)

- (a) Opening statement, if any.
- (b) Testimony by Violator, if elected, other witnesses; and introduction of other evidence.
(Cross-examination by Officer/Prosecutor and Board/Board Attorney allowed of each witness.)

IV. REBUTTAL CASE; SURREBUTTAL

- (a) BY CITY. Officer / Prosecutor may present testimony and other evidence in rebuttal of testimony and evidence presented by Violator. *(Cross-examination allowed as above).*
- (b) BY VIOLATOR. Violator may present testimony and other evidence in rebuttal of testimony and evidence presented by City *during rebuttal.* *(Cross-examination allowed as above).*

V. CLOSING ARGUMENT; REBUTTAL ARGUMENT

- (a) CLOSING ARGUMENT BY CITY. Summation and argument by Officer or Prosecutor, including Board findings and action requested.
- (b) CLOSING ARGUMENT BY VIOLATOR. Summation and closing argument by Violator, including Board findings and action requested.
- (c) REBUTTAL ARGUMENT BY CITY. Limited to rebuttal of any new matter raised in Violator's closing.
- (d) REBUTTAL ARGUMENT BY VIOLATOR. Limited to rebuttal of any new matter raised in City's rebuttal.

VI. BOARD DELIBERATION AND ACTION

- (a) BOARD DISCUSSION of testimony and other evidence and applicable Code provisions.
- (b) BOARD ACTION by Board member motion of proposed findings and determination, discussion on motion, if any, and roll call vote.

GUIDE FOR WHEN CONTINUING VIOLATION PENALTIES MAY COMMENCE

– UNLESS A REPEAT VIOLATION, WHERE THERE IS CONTINUING CONDUCT IN VIOLATION (e.g., the illegal condition/conduct will continue after the violation date specified on citation), OFFICER MUST GIVE A *REASONABLE* AMOUNT OF TIME TO CORRECT and PROVIDE CORRECTION DATE / DEADLINE ON THE CITATION (e.g., date by which to stop/correct the illegal condition/conduct):

2-296(b):

If the officer finds that a violation is correctable, the officer shall determine a reasonable time period within which the violator must correct the violation. This determination shall be based on considerations of fairness; practicality; ease of correction; ability to correct; severity of the violation; nature, extent and probability of danger or damage to the public; and any other relevant factors relating to the reasonableness of the time period prescribed by the officer. The officer *shall specify on the citation the date by which correction must be made* in order to avoid further enforcement action, however, the officer is *not required to give the violator time to correct* the violation and a time period for correction need not be specified if the officer determines the violation to be uncorrectable or a *repeat violation*.

– IF THE CITATION IS NOT CONTESTED:

CANNOT ASSESS ADDITIONAL PENALTIES EXCEPT FOR VIOLATION DAYS OCCURRING AFTER THE DATE / DEADLINE REQUIRED TO BE GIVEN IN THE CITATION FOR CORRECTION:

2-300:

(f) *Continuing violation.* For each day of continued violation *after the time for correction* of a correctable violation *has run*, an additional penalty in the same amount as that prescribed for the first violation shall be added. Unless an appeal is timely filed, continuing violation penalties shall accrue *commencing with the first day after the date for correction given in the code enforcement citation* or board order and continue until the date the correction is made. Continuing violation penalties shall not be imposed for uncorrectable violations.

– BUT, IF A REPEAT VIOLATION, PER 2-296(b) PENALTIES CAN BE IMPOSED FOR ALL VIOLATION DAYS COMMENCING WITH THE ORIGINAL VIOLATION DATE – WHETHER OR NOT TIME WAS GIVEN FOR CORRECTION (TIME FOR CORRECTION NOT REQUIRED FOR REPEAT PER 2-296 ABOVE):

(g) *Continuing repeat violation.* A *repeat* correctable violation that remains *uncorrected beyond the time prescribed for correction* shall be treated as a continuing violation, except that the continuing violation penalties *may be assessed by the board commencing with the first day after the date the repeat violation first occurred* and continue until the date correction is made.

– IF THE CITATION IS CONTESTED (VIOLATOR TIMELY REQUESTED HEARING) AND BOARD FINDS VIOLATION EXISTS AND NAMED VIOLATOR IS RESPONSIBLE:

SIMILAR CONCEPT AS UNCONTESTED, BOARD CAN ASSESS PENALTIES FOR ADDITIONAL VIOLATION DAYS ONLY STARTING WITH FIRST DAY AFTER THE DATE THE BOARD GIVES FOR *REASONABLE* TIME TO CORRECT (required) AFTER HEARING ON THE CONTESTED CITATION. EXCEPT IF IT'S A REPEAT VIOLATION BOARD CAN GO BACK TO VIOLATION DATE TO ASSESS THE EXTRA PENALTIES FOR EACH DAY OF VIOLATION.

(h) *Assessment of penalty after contested violation hearing.*

(2) *Correctable violation.* If the board finds, after the hearing, that the alleged correctable violation exists, the board may assess for the initial violation a civil penalty of not more than the maximum civil penalty for such violation; *shall order that the violation be corrected within a reasonable time period* as determined by the considerations set forth in subsection 2-296(b); and shall establish the continuing civil penalty to be assessed should the violator not correct the violation within the time allowed. If correction is not made by the set time, the board *may assess the continuing violation penalties for each day the violation continues past the date set for correction.* Except as provided for a repeat correctable violation, *continuing violation penalties shall not be assessed for the time period commencing the first day after the date the violation first occurred, as found by the board, through the date established by the board for correction.*

(3) *Repeat correctable violation.* If the board finds, after the hearing, that the alleged repeat correctable violation exists, the board may assess for the initial repeat violation a civil penalty of not more than the maximum civil penalty for such violation; *shall order that the violation be corrected within a reasonable time period* as determined by the considerations set forth in subsection 2-296(b) and taking into consideration the repeat nature of the violation; and shall establish the continuing civil penalty to be imposed should the violator not correct the violation within the time allowed. If correction is not made by the set time, the board *may assess the continuing violation penalties for each day the repeat violation continues, beginning with the first day after the date the repeat violation first occurred, as found by the board.*

DIVISION 3. - CODE ENFORCEMENT PROCEDURES

Sec. 2-296. - Authority of code enforcement officers; enforcement procedures.

- (a) *Authority of code enforcement officers.* Code enforcement officers shall have the following duties and authority that shall be in addition to all other duties or authority they may have by law:
- (1) Investigate violations of code provisions and initiate code enforcement action pursuant to this article.
 - (2) Issue citations, warnings, and stop orders pursuant to this article.
 - (3) Enforce the provisions of F.S. §§ 489.127(1), 489.132(1), and 489.531(1), relating to contracting and unlicensed, uncertified, or unregistered contractors.
 - (4) Present and prosecute code enforcement cases before the board.
- (b) *Commencement of code enforcement action; citations.* Whenever, based upon personal investigation, an officer has reasonable and probable grounds to believe that a violation of a code provision subject to enforcement under this article has occurred or exists, the officer finding such violation may issue a code enforcement citation to the violator. When more than one violation of the same or different code provisions is found by an officer to have occurred or exist at the same property or location such multiple violations may be cited on a single citation specifying the combined civil penalties assessed for all of the violations or such multiple violations may be cited on separate citations. If the officer finds that a violation is correctable, the officer shall determine a reasonable time period within which the violator must correct the violation. This determination shall be based on considerations of fairness; practicality; ease of correction; ability to correct; severity of the violation; nature, extent and probability of danger or damage to the public; and any other relevant factors relating to the reasonableness of the time period prescribed by the officer. The officer shall specify on the citation the date by which correction must be made in order to avoid further enforcement action, however, the officer is not required to give the violator time to correct the violation and a time period for correction need not be specified if the officer determines the violation to be uncorrectable or a repeat violation.
- (c) *Warnings.* A code enforcement citation or a separate document may be issued as a warning with no civil penalty as the first response to a violation in any instance in which it is reasonable for the officer to determine that the violator was unaware of the code provision violated or the violator was unclear as to how to comply with such code provision. Multiple violations found at the same location may be specified in a single warning. Issuance of a warning shall not be deemed to be a prerequisite to issuance of a citation assessing a civil penalty or any other enforcement action.
- (d) *Service of citations and warnings.* Service of a code enforcement citation or warning shall be effected by:
- (1) Delivery of a copy to the violator or the violator's authorized agent by a code enforcement officer;
- or

- (2) A code enforcement officer leaving a copy of the citation at the violator's usual place of residence with any person residing therein who is 15 years of age or older and informing that person of its contents; or
 - (3) A code enforcement officer leaving a copy of the citation with the manager or other person in charge in the case of commercial premises or real property; or
 - (4) Mailing a copy of the citation by certified mail, with delivery evidenced by a signed return receipt, to the violator's last known mailing address as listed in the tax records of Indian River County, the records of the Florida Department of Highway Safety and Motor Vehicles, the records of the Florida Department of State, Division of Corporations, the records of the city, or other mailing address provided to the city or the code enforcement officer by the violator or the violator's agent; or
 - (5) Posting a copy of the citation in a conspicuous place on the premises or real property upon which the violation has been observed and mailing a copy by first class mail to or posting in a conspicuous place at the violator's last known mailing address as determined in paragraph (4). Service by such posting and first class mailing shall be evidenced by an affidavit of service and shall be deemed sufficient and complete upon such posting and mailing; or
 - (6) If the violator is a legal entity other than a natural person, serving, in any manner provided in this section, any officer, partner, member, or registered agent of such entity as listed in the records of the State of Florida or the state or country in which the entity is organized if not registered in this state; or
 - (7) If the citation or a separate document is issued as a warning, first class mailing to the violator's last known mailing address as determined in paragraph (4) or by any other method provided for service in this section. Service of a warning by first class mail shall be deemed sufficient and complete on mailing to such address.
- (e) *Contents of citation.* The code enforcement citation shall include the following:
- (1) Date of issuance.
 - (2) Name of officer and division or department issuing the citation.
 - (3) Name and address of the violator.
 - (4) Section number of the code provision that has been violated.
 - (5) Brief factual description of the nature of the violation, including location, date, and time of violation.
 - (6) Amount of the applicable civil penalty to be paid if the violator elects to pay the civil penalty and amount of the maximum civil penalty for which the violator may be liable if the violator elects to appear before the board and is found by the board, after the hearing, to have committed the violation.
 - (7) Instructions and due date for paying the civil penalty or filing for an administrative hearing to appeal the issuance of the citation.
 - (8) Time within which the violation must be corrected, if applicable.

- (9) Notice that each day of continued violation after the time period for correction has run shall be deemed a continuing violation subject to assessment of additional penalties, without the need for issuance of additional citations, if applicable.
 - (10) Notice that the violator must notify the officer after the violation is corrected, if applicable.
 - (11) If issued as a violation warning, notice that a repeat of the same violation, even if the violation occurs at a different location, or failure to correct the violation within the time period given for correction in the warning, will result in issuance of a citation assessing a civil penalty.
 - (12) Notice that the filing of a request for an administrative hearing will toll the accrual of continuing violation penalties.
 - (13) Notice that failure to request an administrative hearing within ten days after service of the civil violation notice, excluding Saturdays, Sundays, and legal holidays, shall constitute a waiver of the violator's right to an administrative hearing and that such waiver shall constitute an admission of the violation.
 - (14) Notice that the violator may be liable for the reasonable costs of the administrative hearing if the violator is found to have committed the violation.
 - (15) Notice that the violator may be liable for the costs and expenses incurred by the city as a result of the enforcement action if the violator is found to have committed the violation.
 - (16) Notice that if the violator does not correct the violation, if applicable, or request a hearing within the time allowed, the city may cause correction of the violation and charge the violator for the reasonable costs and expenses incurred by the city for such correction plus an administrative fee, which expenses and fees shall be a lien against the property on which the violation is corrected.
- (f) *Filing of citation; recording.* After serving the code enforcement citation, the officer shall deposit the original and one copy of the citation with the board clerk. A certified copy of the code enforcement citation or a notice of violation based upon the citation may be recorded in the public records of the county. Such recording under this section shall not act as or be a lien on any property and shall not act as a notice of a lien on any property, but shall merely act as public notice of the existence of the violation. Warnings shall not be filed with the board clerk or recorded in the public records, but shall be retained in the records of the city department or division issuing the warning.
- (g) *Citation amendment.* A code enforcement citation may be amended by the city at any time prior to final adjudication by filing an amended citation with the board clerk and providing a copy to the violator. After amendment the case shall proceed on the amended citation, however the board may postpone any hearing based on the amended citation as justice may require.
- (h) *Citation withdrawal.* A code enforcement citation may be withdrawn by the city at any time prior to final adjudication. A citation filed with the board clerk shall be withdrawn by the city filing a written notice of withdrawal with the board clerk and providing a copy to the violator or by oral announcement before the board at a hearing noticed to the violator, in which case the withdrawal shall be noted in the record. After withdrawal of the citation the board clerk shall close the case.

- (i) *Stop orders; appeal; non-compliance.* Whenever, based upon personal investigation, the officer has reasonable and probable grounds to believe an unsafe condition exists or may result in damage to persons or property may occur due to continuation of the work or activities comprising the violation, or if the violation concerns the failure to obtain any required administrative approval, permit, inspection, or license prior to commencing or continuing the work or activities, the officer may order the work or activity immediately stopped by service of a stop order in the same manner as a code enforcement citation. Failure to comply with the stop order and cease the work or activities shall be a separate violation of this code and shall be punished by a civil penalty of \$500.00 per day for each day the stop order is violated. Appeal of the issuance of a stop order shall be to the issuing officer's department head, in writing, within ten days of service of the stop order and thereafter as provided in the general appeal provisions of this code for appeal of administrative decisions. The work or activities subject of the stop order shall be stayed pending final resolution of the appeal. Appeal of the issuance of a code enforcement citation for violation of a stop order shall be as provided for appeal of the issuance of any other code enforcement citation. A stop order may be amended, modified, cancelled, or withdrawn by the issuing officer as the circumstances require, in which case the violator shall be notified of such action.
- (j) *Refusal to sign citation; interference with officer; impersonating officer.* Any person who willfully refuses to sign and accept service of a code enforcement citation personally served by any code enforcement officer shall be guilty of a misdemeanor of the second degree as provided by F.S. §§ 162.21(6), 489.127(5)(m), 489.531(4)(m), or 828.27(5), and punishable as provided in F.S. §§ 775.082 and 775.083. Any person who otherwise willfully interferes with any code enforcement officer in the performance of the officer's official duties, or who falsely represents himself to be a code enforcement officer, shall be guilty of a violation of this Code punishable as provided in section 1-14 of this Code.

(Ord. No. 2013-05, § 2, 1-22-2013; Ord. No. 2015-17, § 2, 7-21-2015)

Sec. 2-300. - Civil penalties.

- (a) *Generally.* Each violation of a code provision enforced pursuant to the procedures specified in this article shall constitute a civil offense punishable as provided in this article.
- (b) *Maximum penalty.* Except as otherwise provided for the specified code provision violated, each violation of a code provision enforced under this article shall be punishable by assessment of a civil penalty not exceeding \$500.00. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense punishable by such maximum civil penalty. In determining the amount of a civil penalty, the board shall consider: (1) the gravity of the violation; (2) any actions taken by the violator to correct or mitigate the violation; and (3) any previous violations committed by the violator.
- (c) *Reduced penalty for uncontested violation.* Except as otherwise provided by the code provisions applicable, a violator that does not contest the violation alleged in the citation shall be entitled to pay a reduced civil penalty in the following prescribed amounts:

First violation\$50.00

First repeat violation within five years\$100.00

Second repeat violation within five years\$150.00

Third and subsequent repeat violation within five years\$250.00

- (d) *Waiver of right to pay reduced penalty.* A violator that elects to appear before the board waives the right to pay the reduced civil penalty specified on the citation.
- (e) *Repeat uncorrectable violation.* Each reoccurrence of an uncorrectable violation shall constitute a separate violation and shall subject the violator to a separate civil penalty in the same amount as prescribed for the first violation. If, however, a violator has been previously found guilty of or admitted an uncorrectable violation and causes the same uncorrectable violation to occur a second or subsequent time within five years of the prior violation, notwithstanding the violations occur at different locations, each reoccurrence of the uncorrectable violation by such violator shall constitute a repeat violation.
- (f) *Continuing violation.* For each day of continued violation after the time for correction of a correctable violation has run, an additional penalty in the same amount as that prescribed for the first violation shall be added. Unless an appeal is timely filed, continuing violation penalties shall accrue commencing with the first day after the date for correction given in the code enforcement citation or board order and continue until the date the correction is made. Continuing violation penalties shall not be imposed for uncorrectable violations.
- (g) *Continuing repeat violation.* A repeat correctable violation that remains uncorrected beyond the time prescribed for correction shall be treated as a continuing violation, except that the continuing violation penalties may be assessed by the board commencing with the first day after the date the repeat violation first occurred and continue until the date correction is made.
- (h) *Assessment of penalty after contested violation hearing.*
 - (1) *Uncorrectable violation.* A violator found by the board, after the hearing, to have violated the provision of the code alleged in the citation that is an uncorrectable or repeat uncorrectable violation, may be punished by assessment of a civil penalty of not more than the maximum civil penalty for such violation.
 - (2) *Correctable violation.* If the board finds, after the hearing, that the alleged correctable violation exists, the board may assess for the initial violation a civil penalty of not more than the maximum civil penalty for such violation; shall order that the violation be corrected within a reasonable time period as determined by the considerations set forth in subsection 2-296(b); and shall establish the continuing civil penalty to be assessed should the violator not correct the violation within the time allowed. If correction is not made by the set time, the board may assess the continuing violation penalties for each day the violation continues past the date set for correction. Except as provided

for a repeat correctable violation, continuing violation penalties shall not be assessed for the time period commencing the first day after the date the violation first occurred, as found by the board, through the date established by the board for correction.

- (3) *Repeat correctable violation.* If the board finds, after the hearing, that the alleged repeat correctable violation exists, the board may assess for the initial repeat violation a civil penalty of not more than the maximum civil penalty for such violation; shall order that the violation be corrected within a reasonable time period as determined by the considerations set forth in subsection 2-296(b) and taking into consideration the repeat nature of the violation; and shall establish the continuing civil penalty to be imposed should the violator not correct the violation within the time allowed. If correction is not made by the set time, the board may assess the continuing violation penalties for each day the repeat violation continues, beginning with the first day after the date the repeat violation first occurred, as found by the board.

(Ord. No. 2013-05, § 2, 1-22-2013; Ord. No. 2015-17, § 2, 7-21-2015)

Sec. 2-301. - Rights of violators; appeal; assessment and payment of civil penalties and costs; failure to pay or correct, or to appeal.

- (a) *Code enforcement citation.* A violator who has been served with a code enforcement citation shall elect either to:
- (1) Pay the civil penalty in the manner indicated on the citation and correct the violation, if a correctable violation, within the time specified on the citation; or
 - (2) Appeal by administrative hearing the issuance of the citation by filing a written request for a hearing with the board clerk no later than ten days after service of the citation, excluding Saturdays, Sundays, and legal holidays. However, a violator that files, within such time period, an administrative appeal to the designated administrative authority of the city regarding the interpretation or application of any code provision alleged in the citation to be violated shall have ten days from the date of the final determination of such administrative appeal to file a written request for a hearing on the citation with the board clerk, excluding Saturdays, Sundays, and legal holidays. Failure of the violator to appeal within the prescribed time period shall constitute a waiver of the violator's right to an administrative hearing on the citation. Such a waiver of the right to an administrative hearing shall be deemed an admission of the violation and thereafter penalties and costs may be assessed and other appropriate action taken accordingly by the board.
- (b) *Warning.* A violator who has been served with a code enforcement warning shall refrain from repeating the violation. If a correctable violation, the violator shall correct the violation within the time specified on the warning. The violator may be given an opportunity to enter into a compliance agreement as provided in section 2-302. The issuance of a warning is not appealable as a warning does not impose a civil penalty or other deprivation of property subject to review.
- (c)

Due date. Unless additional time is granted by the board for good cause, civil penalties and costs assessed pursuant to this article are due and payable to the city on the last day of the period allowed for the filing of a request for an administrative hearing or for the filing of an appeal from a board decision, or if proper appeal is made, when the appeal has been finally decided adversely to the violator, if applicable.

- (d) *Failure to pay penalty or appeal.* If the violator, after service of the code enforcement citation for an uncorrectable violation or for a correctable violation that is corrected within the time specified in the citation, fails to pay the civil penalty by the due date and fails to timely request an administrative hearing, the board shall be informed of such failure by report from the officer or board clerk and the board may thereafter enter an order ordering the violator to pay the civil penalty specified on the citation or take such other action as the board deems appropriate under the circumstances and in the interest of justice. The city shall be entitled to also recover costs of the action from the violator upon filing of an affidavit of the costs with the board clerk, which costs shall be included in the order. At least ten days before the hearing, the board clerk shall send the violator notice of the hearing at which such report of non-compliance will be made, together with a copy of any affidavits filed. The case may be presented to the board even if the civil penalty is subsequently paid prior to the board hearing, and the notice of hearing shall so state.
- (e) *Failure to correct violation or appeal.* If the violator, after service of the code enforcement citation for a correctable violation, fails to correct the violation within the time specified in the citation and fails to timely request an administrative hearing, the board shall be informed of such failure by report from the officer and filing with the board clerk an affidavit of non-compliance. The board may thereafter enter an appropriate order directing the violator to correct the violation and assessing civil penalties and costs, grant additional time for correction of the violation, or take such other action as the board deems appropriate under the circumstances and in the interest of justice. The city shall be entitled to also recover costs of the action from the violator upon filing of an affidavit of the costs with the board clerk, which costs shall be included in any order issued by the board. At least ten days before the hearing, the board clerk shall send the violator notice of the hearing at which such report of non-compliance will be made, together with a copy of any affidavits filed. If the violation is corrected and then recurs or if the violation is not corrected by the time specified by the code enforcement officer for correction, the case may be presented to the board even if the violation has been corrected prior to the board hearing, and the notice of hearing shall so state.
- (f) *Failure to comply with board order or appeal.* If the violator, when an adverse board order is rendered after an administrative hearing on a contested violation, fails to correct the violation within the time specified in the order or fails to pay the civil penalties or costs assessed, and fails to timely appeal the board decision, the board shall be informed of such failure by report from the officer and filing with the board clerk an affidavit of non-compliance and the board may thereafter enter an appropriate order or take such other action as the board deems appropriate under the circumstances and in the interest of justice. The city shall be entitled to also recover any additional costs of the action from the violator

upon request of the city and filing of an affidavit of costs with the board clerk. At least ten days before the hearing, the board clerk shall send the violator notice of the hearing at which such report of non-compliance will be made, together with a copy of any affidavits filed. The case may be presented to the board even if the violation has been corrected and the civil penalties and costs have been paid prior to the board hearing, and the notice of hearing shall so state.

(g) *Service of orders.* The board clerk shall send a copy of all board orders entered to the violator and the code enforcement officer.

(Ord. No. 2013-05, § 2, 1-22-2013; Ord. No. 2015-03, § 2, 1-6-2015; Ord. No. 2015-17, § 2, 7-21-2015)

Sec. 2-303. - Scheduling and conduct of hearing requested by violator.

(a) *Scheduling of hearing.* Upon receipt of the violator's timely request for an administrative hearing to contest the issuance of the code enforcement citation, the board clerk shall set and notice the matter for hearing at the next regularly scheduled board meeting or as soon thereafter as possible. The board clerk shall return an untimely request for an administrative hearing to the violator with written explanation for its return and retain a record of such action.

(b) *Notice of hearing; contents.* At least ten days before the hearing, the board clerk shall send a notice of hearing to the violator and provide a copy to the officer issuing the citation. The notice of hearing on a contested citation shall include the following:

- (1) Place, date and time of the hearing.
- (2) Right of the violator to be represented by an attorney.
- (3) Right of the violator to present witnesses and evidence.
- (4) Notice that failure of the violator to attend the hearing will constitute a waiver of the right to an administrative hearing and that such waiver shall be deemed an admission of the violation alleged in the code enforcement citation and that the board may enter a final order accordingly.
- (5) Notice that the violator will be responsible for insuring that a verbatim record of the hearing is made by a Florida certified court reporter, at the violator's own expense, should the violator intend to appeal any adverse decision of the board.
- (6) Notice that requests for a postponement of the hearing will only be considered if received by the board clerk at least five days prior to the date set for the hearing.
- (7) Notice that the case may be presented to the board even if all cited violations have been corrected and the civil penalties and costs have been paid prior to the hearing.
- (8) Notice that the board's authority on appeal of a citation is limited to fact-finding only and that if the appeal is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority as defined in section 2-303 or that appeal is waived.

(c)

Subpoenas. The board clerk shall execute and issue subpoenas for hearings upon written application of a party or at the direction of the board. Only a sheriff, deputy sheriff, officer of the city police department, or other person certified to serve process may serve subpoenas. The serving officer shall promptly file a written return of service with the board clerk. The party requesting the issuance of a subpoena shall pay the cost of service. The board clerk may require payment of the cost of service before issuance of the subpoena. The city shall pay the cost of service for subpoenas issued on the board's own motion. A violator found by the board to have committed or who admits the violation shall be assessed the costs of service incurred by the city.

- (d) *Time of hearing.* No hearing shall be set sooner than ten days from the date of service of the code enforcement citation, excluding Saturdays, Sundays, and legal holidays, unless such minimum time period is waived in writing by the violator.
- (e) *Hearing postponement.* A scheduled hearing may be postponed and rescheduled one time by the board clerk provided a request for the postponement showing good cause is received in writing by the board clerk at least five days prior to the date set for the hearing and such request is approved by the board chairman or vice chairman in the chairman's absence. The clerk shall send to the violator and issuing officer notice of the new date for any hearing so postponed.
- (f) *Hearings public.* Board meetings shall be open to the public, however, participation in any administrative hearing is limited to the parties in the enforcement action, their attorneys and legal representatives, witnesses called by a party, board members, and board staff.
- (g) *Testimony.* All hearing testimony shall be under oath or affirmation administered by the board clerk.
- (h) *Violator failure to appear.* Upon a showing of proper notice of the hearing being sent to the violator, the hearing may proceed in the absence of the violator and appropriate action taken by the board as provided in this article.
- (i) *Continuation of hearing.* Once commenced, no hearing shall be deferred or continued except for good cause shown and as justice may require as determined by the board.
- (j) *Hearing record.* The board clerk shall take minutes of the hearing and electronically record hearing proceedings. The violator shall be responsible for insuring a verbatim record of the hearing is made, at the violator's expense, by a Florida certified court reporter should the violator intend to appeal any adverse decision of the board. Transcription of such verbatim hearing record shall be at the expense of the requesting party.
- (k) *Prosecution of case.* Each case shall be presented before the board by the initiating officer or other designee as the city manager may appoint from time to time. The city manager is authorized to retain legal counsel to serve as prosecutor in those cases deemed necessary by the city manager.
- (l) *Rules of evidence.* Formal rules relating to evidence and witnesses shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Any relevant testimony and other evidence submitted by a party shall be admitted if the board finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.
- (m)

Witnesses and evidence. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify; and to rebut the evidence against the party. Each party shall have the right to inquire of any board member about ex parte communications regarding the case.

- (n) *Retention of exhibits.* The board clerk shall be the custodian of all tangible evidence submitted, which shall be retained by the board clerk until the time for an appeal has expired and as required by the applicable public records retention schedule pursuant to state law.
- (o) *Board action.* The board shall make its findings of fact and determinations based on evidence of record upon conclusion of the hearing. All findings and determinations of the board shall be by motion approved by a majority of those members present and voting, except that at least four members of the board must vote in order for the action to be official.
- (p) *Costs.* If the violator is found to have committed the violation, the board shall assess against the violator the reasonable costs of the administrative hearing and the reasonable costs incurred by the city in the enforcement action. The costs and expenses requested by the city for reimbursement shall be calculated and submitted to the board for assessment at the hearing.
- (q) *Board determination; time to correct violation; board order.* The determination of the board for purposes of a contested code enforcement citation shall be limited to fact-finding as to whether or not the violation alleged did occur or exists and, if so, whether the person or entity named in the citation is responsible for that violation. The findings and determination of the board shall be based on a preponderance of the evidence presented at the hearing and the interpretation and application of the code provisions alleged to be violated as such interpretation and application is determined by the designated administrative authority of the city. If the board finds the violator responsible for a correctable violation, the board shall determine a reasonable time period within which correction of the violation must be made, as determined by the considerations set forth in subsection 2-296(b) and taking into consideration whether the violation is a repeat violation, provided however, that such time period shall be no more than 30 days unless the board determines that a longer time period is reasonable and necessary based on the evidence presented. If the board finds that the violator is not responsible for the violation alleged in the code enforcement citation, the violator shall not be liable for the payment of any civil penalty or costs, absent reversal of the board's findings after an appeal. If the decision of the board is to find the violator responsible for the violation alleged, then the following elements shall be included in the board's final order, a copy of which shall be sent by the board clerk to the violator and the code enforcement officer:
 - (1) Total amount of civil penalty imposed, if any;
 - (2) Costs and expenses of the enforcement action assessed, including costs of the administrative hearing;
 - (3) Instructions and due date for paying the civil penalties and costs;
 - (4)

Date by which the violation must be corrected to prevent imposition of continuing penalties, if applicable;

- (5) Notice that the violator must notify the code enforcement officer for re-inspection after the violation is corrected, if applicable;
 - (6) Notice that failure to comply with the board's order on a continuing violation will result in the issuance of an appropriate order assessing the continuing penalties;
 - (7) If the board finds that the violation exists and constitutes a public nuisance representing a threat to the public health, safety, and welfare, notice that the violation is deemed a public nuisance and should the violator fail to correct the violation and abate such public nuisance or appeal within the time allowed, the city or its contractors may enter the property and cause the repairs or work reasonably necessary to correct the violation and abate the public nuisance with the costs and expenses incurred by the city for such correction, plus an administrative fee, charged as a special assessment lien against the property on which the violation was corrected;
 - (8) Notice of the right to appeal the board action to the circuit court.
- (r) *Code interpretation; appeal; postponement of hearing; administrative interpretation binding.*
- (1) A violator that contests the interpretation or application of any code provision alleged in the citation to be violated shall appeal the determination of such interpretation or application to the designated administrative authority of the city in the manner specified in this Code or such appeal shall be deemed waived. The violator shall not be charged an administrative appeal fee when filing such an appeal arising from issuance of the citation, however the board shall assess such fees as costs against the violator upon request of the city if the board's final determination on the citation is against the violator.
 - (2) The board shall postpone the hearing and the board's determination on the citation if the violator contests at the hearing the interpretation or application of any code provision alleged in the citation to be violated or if the violator has filed with the designated administrative authority a written administrative appeal concerning the subject interpretation or application and the appeal has not been finally determined. If such written appeal has not been filed at the time of the hearing, the board shall grant the violator ten days from the date of the hearing to file the written appeal and provide a copy to the board clerk. If the violator fails to file the appeal with the designated administrative authority by the end of such period, the board clerk shall automatically schedule the hearing on the appeal of the citation for the next available board meeting. It shall be the responsibility of the violator to provide evidence to the board clerk that such administrative appeal has been timely filed. A violator waives all right to an administrative appeal concerning the interpretation or application of any code provision as it relates to the enforcement action if the violator does not timely apply for such appeal.
 - (3) Upon exhaustion of a timely filed administrative appeal to the designated administrative authority concerning the interpretation or application of any code provision alleged to be violated and final determination of such administrative appeal, the board may exercise all powers granted under this

article consistent with such final determination. The board shall not, however, exercise any jurisdiction over such alleged code violation until the time allowed for appeal of such final determination of the administrative appeal has lapsed or until such further appeal has been exhausted.

- (4) The board shall be bound by the determinations of the designated administrative authority concerning the interpretation and application of the codes, ordinances, rules, and regulations within the jurisdiction of such designated administrative authority. In the event the designated administrative authority determines that an alleged violation is not in accordance with such designated administrative authority's determination of the interpretation or application of the code provision on which the violation is based, the board shall not be empowered to proceed with the enforcement action.
- (s) *Designated administrative authority.* For purposes of this article, "designated administrative authority" means the city official, department head or director, or his designee, having jurisdiction and responsibility for administration of the code, ordinance, rule, or regulation the interpretation or application of which is contested in the code enforcement action. Such term includes the city manager, city council, and designated city boards in the exercise of their jurisdiction and authority to hear and determine appeals from administrative decisions pursuant to this Code, but excludes the code enforcement board and any special magistrate.

(Ord. No. 2013-05, § 2, 1-22-2013; Ord. No. 2015-03, § 4, 1-6-2015; Ord. No. 2015-17, § 2, 7-21-2015)